



Scott A. Goorland  
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 Florida Power & Light Company  
 700 Universe Boulevard  
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May 11, 2011

**VIA HAND DELIVERY**

Ms. Ann Cole  
 Division of the Commission Clerk and  
 Administrative Services  
 Florida Public Service Commission  
 Betty Easley Conference Center  
 2540 Shumard Oak Boulevard, Room 110  
 Tallahassee, FL 32399-0850

claim of confidentiality  
 notice of intent  
 request for confidentiality/extension  
 filed by OPC

RECEIVED-FPSC  
 11 MAY 11 PM 1:40  
 COMMISSION  
 CLERK

Re: Docket No. 110001-EI

For DN 01913-09, which  
 is in locked storage. You must be  
 authorized to view this DN.-CLK

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's First Request for Extension of Confidential Classification of Short Term Capacity Payment Information. The original includes Revised Exhibit D. The seven (7) copies do not include the exhibits. A compact disc with FPL's Request in Word format is also included.

Please contact me if you have any questions regarding this filing.

Sincerely,



Scott A. Goorland

Enclosures

cc: Parties of record (w/encl.)

COM   
 APA   
 ECR  3  
 GCL   
 RAD   
 SSC   
 ADM   
 OPC   
 CLK

1 CD containing request also fwd.

DOCUMENT NUMBER-DATE

03267 MAY 11 =

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and purchased power ) Docket No. 110001-EI  
cost recovery clause with ) Filed: May 11, 2011  
generating performance incentive )  
factor. )  
\_\_\_\_\_ )

**FLORIDA POWER AND LIGHT COMPANY'S  
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL  
CLASSIFICATION OF SHORT TERM CAPACITY PAYMENT INFORMATION**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby submits its First Request for Extension of Confidential Classification of certain material provided to the Florida Public Service Commission ("Commission") in connection with information on short term capacity payments contained in Schedule A12 of Appendix II to the 2009 prefiled testimony of FPL Witness Terry J. Keith ("Confidential Information"). In support of this request, FPL states as follows:

1. On March 9, 2009 FPL filed a Request for Confidential Classification of the Confidential Information, which included Exhibits A, B, C, and D ("March 9, 2009 Request"). By Order No. PSC-09-0769-CFO-EI, dated November 18, 2009, the Commission granted FPL's March 9, 2009 Request. FPL adopts and incorporates by reference the March 9, 2009 Request.

2. The period of confidential treatment granted by Order No. PSC-09-0769-CFO-EI will soon expire. The Confidential Information that was the subject of FPL's March 9, 2009 Request warrants continued treatment as proprietary and confidential business information within the meaning of s. 366.093(3), F.S. Accordingly, FPL hereby submits its First Request for Extension of Confidential Classification.

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03267 MAY 11 =  
FPSC-COMMISSION CLERK

4. Included herewith, and made a part hereof, is Revised Exhibit D. Revised Exhibit D contains the affidavit of Gerard J. Yupp in support of this request.

5. FPL submits that the information contained in Exhibit A and referenced in Exhibits B, C, and Revised Exhibit D continues to be proprietary confidential business information within the meaning of s. 366.093(3), F.S. The Confidential Information is intended to be and has been treated by FPL as private, its confidentiality has been maintained, and its disclosure would cause harm to FPL and its customers. Pursuant to s. 366.093, F.S., such materials are entitled to confidential treatment and are exempt from the disclosure provisions of the public records law. Thus, once the Commission determines that the information in question is proprietary confidential business information, the Commission is not required to engage in any further analysis or review such as weighing the harm of disclosure against the public interest in access to the information.

6. As the affidavit included in Revised Exhibit D indicates, the Confidential Information relates to pricing for short-term capacity purchases, the disclosure of which would impair FPL's ability to contract for capacity on favorable terms. Such information is protected by s, 366.093(3)(d), F.S. In addition, the information relates to the competitive interests of FPL and of suppliers from whom FPL purchases capacity, the disclosure of which would impair their competitive businesses. Such information is protected by s, 366.093(3)(e), F.S.

7. Nothing has changed since the filing of FPL's March 9, 2009 Request to render the Confidential Information stale or public, such that continued confidential treatment would not be appropriate.

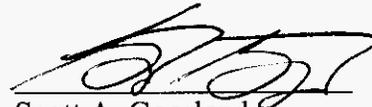
8. Upon a finding by the Commission that the Confidential Information remains proprietary and confidential business information, the information should not be declassified for at least an additional eighteen (18) month period and should be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. *See* s. 366.093(4), F.S.

**WHEREFORE**, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavits included herewith, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

John T. Butler  
Managing Attorney  
Scott A. Goorland  
Principal Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 304-5633  
Facsimile: (561) 691-7135

By:



Scott A. Goorland  
Florida Bar No. 0066834

**CERTIFICATE OF SERVICE**  
**Docket No. 110001-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by hand delivery (\*) or the United States Mail this 11<sup>th</sup> day of May, 2011 to the following:

<p>Lisa Bennett, Esq.* Jennifer Crawford, Esq. Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd Tallahassee, Florida 32399-0850 <a href="mailto:lbennett@psc.state.fl.us">lbennett@psc.state.fl.us</a> <a href="mailto:jcrawford@PSC.STATE.FL.US">jcrawford@PSC.STATE.FL.US</a></p>	<p>J. R. Kelly, Esq. Patricia Christensen, Esq. Charles Rehwinkel, Esq. Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, Florida 32399 <a href="mailto:Kelly.jr@leg.state.fl.us">Kelly.jr@leg.state.fl.us</a> <a href="mailto:Christensen.patty@leg.state.fl.us">Christensen.patty@leg.state.fl.us</a> <a href="mailto:rehwinkle.charles@leg.state.fl.us">rehwinkle.charles@leg.state.fl.us</a></p>
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<p>John W. McWhirter, Jr., Esq McWhirter &amp; Davidson, P.A. Attorneys for FIPUG P.O. Box 3350 Tampa, Florida 33602 <a href="mailto:jmcwhirter@mac-law.com">jmcwhirter@mac-law.com</a></p>	<p>Beth Keating, Esq. Gunster Firm Attorneys for FPUC 215 So. Monroe St., Suite 618 Tallahassee, Florida 32301- 1804 <a href="mailto:bkeating@gunster.com">bkeating@gunster.com</a></p>
<p>Jeffrey A. Stone, Esq. Russell A. Badders, Esq. Beggs &amp; Lane Attorneys for Gulf Power 501 Commendencia Street Pensacola, FL 32502 <a href="mailto:jas@beggslane.com">jas@beggslane.com</a> <a href="mailto:rab@beggslane.com">rab@beggslane.com</a></p>	<p>James W. Brew, Esq / F. Alvin Taylor, Esq. Attorney for White Springs Brickfield, Burchette, Ritts &amp; Stone, P.C 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 2007-5201 <a href="mailto:jbrew@bbrslaw.com">jbrew@bbrslaw.com</a> <a href="mailto:ataylor@bbrslaw.com">ataylor@bbrslaw.com</a></p>

<p>Robert Scheffel Wright, Esq  Jay T. LaVia, III, Esq  Young van Assenderp, P.A  Attorneys for Florida Retail Federation and  City of Marianna  225 South Adams Street, Suite 200  Tallahassee, FL 32301  <a href="mailto:swright@yvlaw.net">swright@yvlaw.net</a>  <a href="mailto:jlavia@yvlaw.net">jlavia@yvlaw.net</a></p>	<p>Jon C. Moyle, Esq. and Vicki Kaufman, Esq.  Keefe, Anchors Gordon &amp; Moyle, P.A.  118 N. Gadsden St.  Tallahassee, FL 32301  Co-Counsel for FIPUG  <a href="mailto:vkaufman@kagmlaw.com">vkaufman@kagmlaw.com</a>  <a href="mailto:jmoyle@kagmlaw.com">jmoyle@kagmlaw.com</a></p>
<p>Patrick K. Wiggins  AFFIRM  P.O. Drawer 1657  Tallahassee, FL 32302  <a href="mailto:wigglaw@gmail.com">wigglaw@gmail.com</a></p>	<p>Michael Barrett  Division of Legal Services  Florida Public Service Commission  2540 Shumard Oak Blvd  Tallahassee, Florida 32399-0850  <a href="mailto:MBARRETT@PSC.STATE.FL.US">MBARRETT@PSC.STATE.FL.US</a></p>
<p>Allan Jungels, Capt, USAF  Utility Litigation &amp; Negotiation Team  Staff Attorney  AFLOA/JACL-ULT/FLOA/JACL-ULT  139 Barnes Drive, Suite 1  Tyndall AFB, FL 32403-5317  Attorney for the Federal Executive Agencies  <a href="mailto:Allan.Jungels@tyndall.af.mil">Allan.Jungels@tyndall.af.mil</a></p>	



Scott A. Goofland

REVISED EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power ) DOCKET NO. 110001-EI
Cost Recovery Clause with Generating )
Performance Incentive Factor )

STATE OF FLORIDA )
) AFFIDAVIT OF GERARD J. YUPP
PALM BEACH COUNTY )

BEFORE ME, the undersigned authority, personally appeared Gerard J. Yupp who, being first duly sworn, deposes and says:

1. My name is Gerard J. Yupp. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director of Wholesale Operations in the Energy Marketing and Trading Division. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the documents and information which are included in Exhibit A to FPL's March 9, 2009 Request for Confidential Classification of Short Term Capacity Payment Information, which is adopted by reference in FPL's First Request for Extension of Confidential Classification of Short Term Capacity Payment Information. The documents and materials in Exhibit A which are asserted by FPL to be proprietary confidential business information relate to pricing for short-term capacity purchases, the disclosure of which would impair FPL's ability to contract for capacity on favorable terms, and because it relates to the competitive interests of FPL and of suppliers from whom FPL purchases capacity, the disclosure of which would impair their competitive businesses.

3. Consistent with the provisions of the Florida Administrative Code, such information should remain confidential for a period of at least eighteen (18) months. In addition, it should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.

Handwritten signature of Gerard J. Yupp over a horizontal line, with the printed name Gerard J. Yupp below it.

SWORN TO AND SUBSCRIBED before me this 10th day of May, 2011, by Gerard J. Yupp, who is personally known to me or who has produced (type of identification) as identification and who did take an oath.

Handwritten signature of Maritza Miranda-Wise over a horizontal line, with the printed name Notary Public, State of Florida below it.

My Commission Expires:

