



Scott A. Goorland  
 Principal Attorney  
 Florida Power & Light Company  
 700 Universe Boulevard  
 Juno Beach, FL 33408-0420  
 (561) 304-5633  
 (561) 691-7135 (Facsimile)

May 17, 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  
 filed by OPC  
 For DN 03431-11, which  
 is in locked storage. You must be  
 authorized to view this DN.-CLK

RECEIVED-FPSC  
 11 MAY 17 PM 1:52  
 COMMISSION  
 CLERK

Re: Docket No. 110001-EI

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Third Request for Extension of Confidential Classification regarding confidential information provided pursuant to Audit No. 04-022-4-1. The original includes Revised Exhibits A and B, together with Third Revised Exhibits C and D. The seven (7) copies do not include the exhibits. A compact disc with FPL's Request and Exhibit C 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/exhibits)

*3+1 cc containing request and exhibit C.*

- COM
- APA
- ECR
- GCL
- RAD
- SSC
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an FPL Group company

DOCUMENT NUMBER-DATE

03430 MAY 17 =

FPSC-COMMISSION CLERK

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power ) DOCKET NO. 110001-EI  
Cost Recovery Clause and Generating )  
Performance Incentive Factor ) FILED: May 17, 2011

**FLORIDA POWER & LIGHT COMPANY'S S THIRD REQUEST FOR  
EXTENSION OF CONFIDENTIAL CLASSIFICATION OF INFORMATION  
PROVIDED PURSUANT TO AUDIT NO. 04-022-4-1**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby submits its Third Request for Extension of Confidential Classification of certain material provided to the Florida Public Service Commission ("Commission") in connection with the Audit No. 04-022-4-1 (the "Confidential Information"). In support of this Request, FPL states as follows:

1. On July 8, 2004, FPL filed a Request for Confidential Classification of the Confidential Information. By Order No. PSC-04-1060-CFO-EI, issued October 28, 2004, the Commission granted FPL's July 8, 2004 Request. FPL adopts and incorporates by reference the July 8, 2004, Request, including Exhibits A, B, C and D thereto.

2. On April 28, 2006, FPL filed its First Request for Extension of Confidential Classification of the Confidential Information, which incorporated by reference the previously filed Exhibits A and B and included Revised Exhibits C and D. By Order No. PSC 07-0104-CFO-EI, issued February 6, 2007, the Commission granted FPL's April 28, 2006 Request. FPL adopts and incorporates by reference the April 28, 2006 Request, including Revised Exhibits C and D thereto.

3. On August 6, 2008, FPL filed its Second Request for Extension of Confidential Classification of the Confidential Information, which incorporated by reference the previously filed Exhibits A and B and included Revised Exhibits C and D. By Order No. PSC 09-0762-

DOCUMENT NUMBER - DATE

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CFO-EI, issued November 18, 2009, the Commission granted FPL's April 6, 2008 Request. FPL adopts and incorporates by reference the August 6, 2008 Request, including Revised Exhibits C and D thereto.

4. The period of confidential treatment granted by Order No. PSC-09-0762-CFO-EI will soon expire. Some of the information that was the subject of FPL's August 6, 2008 Request warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3), F.S. Accordingly, FPL hereby submits its Third Request for Extension of Confidential Classification of the Confidential Information.

5. Included herewith, and made a part hereof, are Revised Exhibits A and B, and Third Revised Exhibits C and D.

6. As noted above, FPL has determined that only some of the information which was confidential at the time of the August 6, 2008, Request warrants continued confidential treatment. FPL has identified all of the information in the working papers that warrants continued confidential treatment in Revised Exhibits A and B and Third Revised Exhibit C. Third Revised Exhibit C contains a table identifying the specific pages and line(s) or column(s) that remain confidential. The table also provides references to the specific statutory basis or bases for the claim of confidentiality, and to the affidavits in support of the requested classification.

7. Third Revised Exhibit D contains the affidavits of Solomon L. Stamm, Damaris Rodriguez, Gerard J. Yupp and J. Carine Bullock in support of this request.

8. FPL submits that the information identified in Revised Exhibit A, and referenced in Revised Exhibit B, and Third Revised Exhibits C and D, continues to be proprietary and confidential business information within the meaning of Section 366.093(3), F.S. This

information is intended to be and is treated by FPL as private, and its confidentiality has been maintained. Pursuant to Section 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.

9. As indicated by Third Revised Exhibit D, the information that FPL asserts is proprietary and confidential business information includes data related to security measures and negotiated agreements for the protection of FPL facilities. This information, if made public, would disclose certain FPL security measures, systems, or procedures to the detriment of FPL and its customers. Such information is protected from disclosure by Section 366.093(3)(c), F.S. The information also concerns bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. Such information is protected from disclosure by Section 366.093(3)(d), F.S.

10. As also indicated by Revised Exhibit D, the information that FPL asserts is proprietary and confidential business information includes includes customer-specific account information, which if disclosed would impair the competitive interests of FPL or the providers of the information. It is FPL's corporate policy not to disclose customer-specific information. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh and bills. FPL treats such information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer absent the customer's consent.

FPL's policy is premised upon customers' right to privacy and the potential that the disclosure of customer specific information may harm some customers' competitive interests. This information is protected pursuant to section 366.093(3)(e), F.S.

11. As also indicated by Revised Exhibit D, the information that FPL asserts is proprietary and confidential business information includes contractual data such as pricing and other terms, payment records, and vendor and supplier rates for oil and gas procurement. The disclosure of this information would impair the efforts of FPL to contract for gas and oil procurement on favorable terms. Such information is protected from disclosure by Section 366.093(3)(d), F.S. This information also relates to competitive interests, the disclosure of which would impair the competitive business of the provider information. Certain information in these documents and materials would place FPL at a disadvantage when coupled with other information that is publicly available. Such information is protected from disclosure by Section 366.093(3)(e), F.S.

12. Nothing has occurred since the issuance of Order No. PSC-09-0762-CFO-EI to render the Confidential Information stale or public, such that continued confidential treatment would not be appropriate.

13. 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* § 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 Third 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. 110007-EI**

I HEREBY CERTIFY that a true and correct copy of FPL's First Extension for Request of Confidential Information, without attachments, has been furnished by hand delivery\* or U.S. mail this 17th 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:rehwinkel.charles@leg.state.fl.us">rehwinkel.charles@leg.state.fl.us</a></p>
<p>James D. Beasley, Esq J. Jeffrey Wahlen, Esq. Ausley &amp; McMullen Attorneys for Tampa Electric P.O. Box 391 Tallahassee, Florida 32302 <a href="mailto:jbeasley@ausley.com">jbeasley@ausley.com</a> <a href="mailto:jwahlen@ausley.com">jwahlen@ausley.com</a></p>	<p>John T. Burnett, Esq./Diane M. Triplett Progress Energy Service Company, LLC P.O. Box 14042 St. Petersburg, Florida 33733-4042 <a href="mailto:john.burnett@pgnmail.com">john.burnett@pgnmail.com</a> <a href="mailto:diane.triplett@pgnmail.com">diane.triplett@pgnmail.com</a></p>
<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>	

By:   
\_\_\_\_\_ Scott A. Goorland