



Florida Power & Light Company, P. O. Box 14000, Juno Beach, FL 33408-0420  
Law Department

RECEIVED-FPSC

11 MAY 18 AM 11:14

COMMISSION  
CLERK

John T. Butler  
Managing Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 304-5639  
(561) 691-7135 (Facsimile)

May 18, 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

\_\_\_\_\_ class of confidentiality  
\_\_\_\_\_ notice of intent  
 request for confidentiality / extension  
\_\_\_\_\_ filed by OPC  
For DN 10755-08 which  
is in locked storage. You must be  
authorized to view this DN-CLK

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 First Request for Extension of Confidential Classification of Certain Information Contained in Forms 423-2, 423-2(a) and 423-2(b) for August 2008. 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,

John T. Butler

Enclosures  
cc: Parties of record (w/encl.)

- COM \_\_\_\_\_
- APA \_\_\_\_\_
- ECR 3+100 containing request
- GCL \_\_\_\_\_
- RAD \_\_\_\_\_
- SSC \_\_\_\_\_
- ADM \_\_\_\_\_
- OPC \_\_\_\_\_
- CLK \_\_\_\_\_

an FPL Group company

DOCUMENT NUMBER-DATE  
03456 MAY 18 =  
FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and purchased power )  
cost recovery clause with )  
generating performance incentive )  
factor. )  
\_\_\_\_\_ )  
 )

Docket No. 110001-EI  
Filed: May 18, 2011

**FLORIDA POWER AND LIGHT COMPANY'S FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF CERTAIN INFORMATION CONTAINED IN FORMS 423-2, 423-2(a) and 423-2(b) FOR AUGUST 2008**

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 its Forms 423-2, 423-2(a) and 423-2(b) for August 2008. In support of this First Request for Extension of Confidential Classification, FPL states as follows:

1. On November 18, 2008 FPL filed a Request for Confidential Classification of certain materials contained in its Forms 423-2, 423-2(a) and 423-2(b), which included Exhibits A, B and C. ("November 18, 2008 Request"). By Order No. PSC-09-0768-CFO-EI, dated November 18, 2009, the Commission granted FPL's November 18, 2008 Request.
2. FPL adopts and incorporates by reference the November 18, 2008 Request.
3. The period of confidential treatment granted by Order No. PSC-09-0768-CFO-EI will soon expire. The Confidential Information that was the subject of FPL's November 18, 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 First Request for Extension of Confidential Classification.

#  
DOCUMENT NUMBER-DATE  
03456 MAY 18 =  
FPSC-COMMISSION CLERK

4. FPL submits that the information contained in Exhibit A and referenced in Exhibits B and C continues to be proprietary confidential business information within the meaning of Section 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 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.

5. Nothing has changed since the filing of FPL's November 18, 2008 Request to render the Confidential Information stale or public, such that continued confidential treatment would not be appropriate.


6. 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 First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

John T. Butler, Managing Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 304-5639  
Facsimile: (561) 691-7135

By:



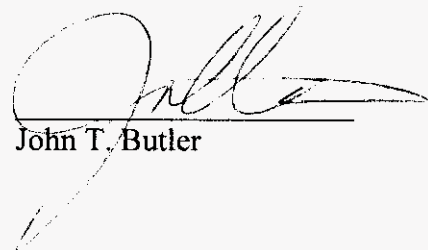
John T. Butler  
Florida Bar No. 283479

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

**I HEREBY CERTIFY** that a true and correct copy of the foregoing First Request for Extension of Confidential Classification has been furnished by hand delivery (\*) or the United States Mail this 18<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>
<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>	



John T. Butler