



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

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John T. Butler  
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700 Universe Boulevard  
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(561) 304-5639  
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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

\_\_\_\_\_ claim of confidentiality  
\_\_\_\_\_ notice of intent  
 request for confidentiality extension  
\_\_\_\_\_ filed by OPC

Re: Docket No. 110001-EI

For DN 11546-08, 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 Certain Information Contained in Forms 423-2, 423-2(a) and 423-2(b) for September 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

COM \_\_\_\_\_  
APA \_\_\_\_\_  
ECR 3 + 100 containing request also fwd.  
GCI \_\_\_\_\_  
RAD \_\_\_\_\_  
SSC \_\_\_\_\_  
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DOCUMENT NUMBER-DATE  
03470 MAY 18 =

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and purchased power	)	Docket No. 110001-EI
cost recovery clause with	)	
generating performance incentive	)	Filed: May 18, 2011
factor.	)	
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**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 SEPTEMBER 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 September 2008. In support of this First Request for Extension of Confidential Classification, FPL states as follows:

1. On December 15, 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. ("December 15, 2008 Request"). By Order No. PSC-09-0770-CFO-EI, dated November 18, 2009, the Commission granted FPL's December 15, 2008 Request.
2. FPL adopts and incorporates by reference the December 15, 2008 Request.
3. The period of confidential treatment granted by Order No. PSC-09-0770-CFO-EI will soon expire. The Confidential Information that was the subject of FPL's December 15, 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.

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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 December 15, 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  
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Juno Beach, FL 33408  
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Facsimile: (561) 691-7135

By:

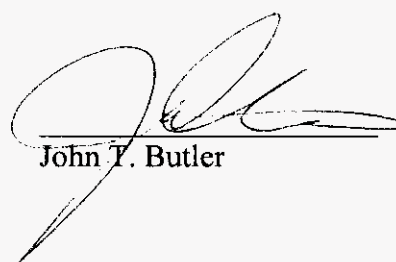
  
\_\_\_\_\_  
John T. Butler  
Florida Bar No. 283479

**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>
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John T. Butler