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RECEIVED-FPSC

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11 MAY 19 PM 4:39

COMMISSION
CLERK

May 19, 2011

VIA HAND DELIVERY

Ms. Ann Cole
Commission Clerk
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 03514-11, which
is in locked storage. You must be
authorized to view this DN.-CLK

Re: Docket No. 110007-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 Second Request for Extension of Confidential Classification regarding confidential information provided pursuant to Audit No. 06-044-4-1. The original includes Revised Exhibits A and B together with Second Revised C and D. The seven (7) copies do not include the exhibits. A compact disc with FPL's Request and Second Revised Exhibit C 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
GCL _____
RAD _____
SSC _____
ADM _____
OPC _____
CLK _____

Enclosures

cc: Parties of record, w/out exhibits

3+1 CD containing request and exhibit C.

DOCUMENT NUMBER-DATE

03513 MAY 19 =

FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Environmental cost)
recovery clause.)
_____)

DOCKET NO. 110007-EI
FILED: May 19, 2011

**FLORIDA POWER & LIGHT COMPANY'S SECOND REQUEST FOR
EXTENSION OF CONFIDENTIAL CLASSIFICATION OF INFORMATION
PROVIDED PURSUANT TO AUDIT NO. 066-4-1**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby submits its Second Request for Extension of Confidential Classification of certain material provided to the Florida Public Service Commission ("Commission") staff ("Staff") in connection with the Audit No. 06-044-4-1 (the "Confidential Information"). In support of this Request, FPL states as follows:

1. On July 10, 2006, FPL filed a Request for Confidential Classification of the Confidential Information. FPL adopts and incorporates by reference the July 10, 2006, Request, including Exhibits A, B, C and D thereto.

2. On March 7, 2007, FPL filed a Revised Request for Extension of Confidential Classification of the Confidential Information, with Exhibits A through D, modifying the scope of the requested confidential classification consistent with the Staff's comments. By Order No. PSC 07-0320-CFO-EI, issued April 13, 2007, the Commission granted FPL's March 7, 2007 Request. FPL adopts and incorporates by reference the March 7, 2007 Request, including Exhibits A through D thereto.

3. On October 10, 2008, FPL filed its First Request for Extension of Confidential Classification of the Confidential Information. FPL adopts and incorporates by reference the October 10, 2008 First Extension Request, including Revised Exhibits C and D thereto. By

DOCUMENT NUMBER-DATE

03513 MAY 19 =

FPSC-COMMISSION CLERK

Order No. PSC 09-0786-CFO-EI, issued November 19, 2009, the Commission granted FPL's October 10, 2008 First Extension Request.

4. The period of confidential treatment granted by Order No. PSC-09-0786-CFO-EI will soon expire. Some of the information that was the subject of FPL's October 10, 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 Second 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 Second 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 October 10, 2008 First Extension Request warrants continued confidential treatment. Revised Exhibits A and B are intended to replace Exhibits A and B, which were filed with FPL's October 10, 2008 First Extension Request, in their entirety. Second Revised Exhibits C and D are intended to replace Revised Exhibits C and D, which were filed with FPL's October 10, 2008 First Extension Request. The confidentiality designation's on the following working papers were revised: 16-15/12-2/2; 16-15/12-2/3; 16-15/13-2/2; 16-15/13-3/1; 43-6; and 51-3/1-2/2.

7. FPL has identified in Revised Exhibits A and B and Second Revised Exhibit C all of the information in the working papers that warrants continued confidential treatment. Second 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.

Order No. PSC 09-0786-CFO-EI, issued November 19, 2009, the Commission granted FPL's October 10, 2008 First Extension Request.

4. The period of confidential treatment granted by Order No. PSC-09-0786-CFO-EI will soon expire. Some of the information that was the subject of FPL's October 10, 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 Second 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 Second 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 October 10, 2008 First Extension Request warrants continued confidential treatment. Revised Exhibits A and B are intended to replace Exhibits A and B, which were filed with FPL's October 10, 2008 First Extension Request, in their entirety. Second Revised Exhibits C and D are intended to replace Revised Exhibits C and D, which were filed with FPL's October 10, 2008 First Extension Request. The confidentiality designation's on the following working papers were revised 16-15/12-2/2; 16-15/12-2/3; 16-15/13-2/2; 16-15/13-3/1; 43-6; and 51-3/1-2/2.

7. FPL has identified in Revised Exhibits A and B and Second Revised Exhibit C all of the information in the working papers that warrants continued confidential treatment. Second 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.

8. Second Revised Exhibit D contains the affidavits of Antonio Maceo, Roger F. Messer and Paul Plotkin in support of this request.

9. FPL submits that the information identified in Revised Exhibit A, and referenced in Revised Exhibit B, and Second 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.

10. As indicated by Second Revised Exhibit D, the information that FPL asserts is proprietary and confidential business information includes internal auditing controls and reports of internal auditors. Such information is protected from disclosure by Sections 366.093(3)(b), F.S. The information that FPL asserts is proprietary and confidential business information also includes contractual data, such as pricing and other terms, the disclosure of which would impair FPL's ability to contract for goods or services on favorable terms in the future. Specifically, the contractual information relates to vendor payments for environmental compliance costs and maintenance costs. Such information is protected from disclosure by Section 366.093(3)(d), F.S. That contractual information also relates to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Such information is protected from disclosure by Sections 366.093(3)(e), F.S.

11. Nothing has occurred since the issuance of Order No. PSC-09-0786-CFO-EI to render the Confidential Information stale or public, such that continued confidential treatment would not be appropriate.

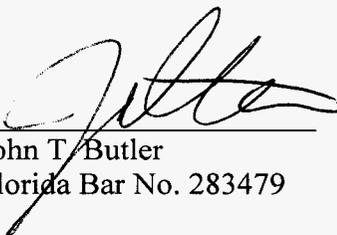
12. Upon a finding by the Commission that the Confidential Information remains proprietary and confidential business information, the information should not be declassified for at least an additional eighteen (18) month period and should be returned to FPL as soon as it is no longer necessary for the 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 Second Request for Extension of Confidential Classification be granted.

Respectfully submitted,

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By:



John T. Butler
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CERTIFICATE OF SERVICE
Docket No. 110007-EI

I HEREBY CERTIFY that a true and correct copy of FPL's Second Extension for Request of Confidential Information, without attachments, has been furnished by hand delivery* or U.S. mail this 19th day of May, 2011 to the following:

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By: 

John T. Butler