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11 MAY 24 PM 1:31

COMMISSION
CLERK

May 23, 2011

-VIA HAND DELIVERY -

Ms. Ann Cole, Director
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

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

For DN 03633-11, which
is in locked storage. You must be
authorized to view this DN.-CLK

Re: Docket No. 110001-EI

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's ("FPL's") Request for Confidential Classification of Certain Information Responsive to Staff's First Set of Interrogatories Nos.4 and 5 and First Request for Production of Documents Nos. 4 through 8. The original includes Exhibit A through D. The seven (7) copies do not include the exhibits.

Exhibit A contains the confidential information that is the subject of FPL's Request for Confidential Classification. Exhibit A is submitted for filing separately and marked "EXHIBIT A"- **CONFIDENTIAL**. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C contains FPL's Justification table for its Request for Confidential Classification. Exhibit D contains the affidavit of G. Yupp in support of FPL's Request for Confidential Classification. In accordance with Rule 25.22.006(3)(d), FPL requests confidential treatment of information in EXHIBIT A pending disposition of FPL's Request for Confidential Classification.

Also included herewith is a computer CD containing FPL's Request for Confidential Classification and Exhibit C. The operating system is windows XP, and the processing software is word.

COM _____
APA _____
ECR 3+1 CD
GCL _____
RAD _____
SSC _____
ADM _____
OPC _____
CLK _____

Please contact me if you or your Staff has any questions regarding this filing

Sincerely,

Scott A. Goorland

DOCUMENT NUMBER-DATE

03632 MAY 24 =

Enclosure
cc: Counsel for Parties of Record (w/o encl.)

FPSC-COMMISSION CLERK

an FPL Group company

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 23, 2011

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED
IN RESPONSE TO STAFF'S SECOND SET OF INTERROGATORIES AND FIRST
REQUEST FOR PRODUCTION OF DOCUMENTS**

Florida Power & Light Company ("FPL"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, requests confidential classification of certain information provided in response to Staff's Second Set of Interrogatories Nos. 4 and 5 and First Request for Production of Documents Nos. 4 through 8 (the "Confidential Discovery Responses") which were served by Staff on April 21, 2011. In support of its Request, FPL states as follows:

1. FPL served its responses to Staff's Second Set of Interrogatories and First Request for Production of Documents on May 20, 2011, for overnight delivery to Staff on May 23, 2011. This request is being filed contemporaneously with the service of the responses to Staff, in order to request confidential classification of the Confidential Discovery Responses consistent with Rule 25-22.006, Florida Administrative Code

2. The following exhibits are included with, and made a part of, this Request:

a. Exhibit A consists of a copy of the Confidential Discovery Responses on which all information that FPL asserts is entitled to confidential treatment has been highlighted.

DOCUMENT NUMBER-DATE

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b. Exhibit B consists of an edited version of Exhibit A, on which all information in FPL's responses to Interrogatories Nos. 4 and 5, and Production of Documents Nos. 4 through 8 that FPL asserts is entitled to confidential treatment has been redacted. Additionally, Exhibit B also consists of certain pages identifying the title of the Confidential Discovery Responses and noting that the contents are confidential. Because FPL seeks confidential classification of the entire text of some of the Confidential Discovery Responses, no purpose would be served by reproducing a full redacted version.

c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A, together with references to the specific statutory bases for the claim of confidentiality and to the affidavit in support of the requested classification.

d. Exhibit D consists of the affidavit of Gerard J. Yupp, Senior Director, Wholesale Operations in the Energy Marketing and Trading Division.

3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), F.S. This information in Exhibit A 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 information is entitled to confidential treatment and is 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 hard of disclosure against the public interest in access to the information.

4. As the affidavit included in Exhibit D indicates, the information provided by FPL concerns bids and other contractual data, the public disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. Specifically, the documents contain

information regarding FPL's coal suppliers, purchase volumes, quality, pricing and delivery methods. This information also relates to competitive interests, the disclosure of which would also place FPL at a competitive disadvantage when coupled with other information that is publicly available. Such information is protected under Section 366.093(3)(d) and (e), F.S.

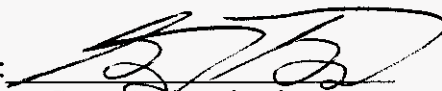
5. Upon a finding by the Commission that the Confidential Discovery Response information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), F.S., pursuant to Section 366.093(4), F.S., such materials should not be declassified for at least eighteen (18) months and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business.

WHEREFORE, FPL respectfully requests confidential classification of the Fuel Hedging Confidential Information described herein.

Respectfully submitted this 23rd day of May, 2011.

John T. Butler, Esq.,
Managing Attorney
Scott A. Goorland
Principal Attorney
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Telephone: (561) 304-5633
Facsimile: (561) 691-7135

BY:



Scott A. Goorland
Fla. 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 overnight delivery(*) or United States mail on May 23rd, 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 lbennett@psc.state.fl.us jcrawford@PSC.STATE.FL.US</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 Kelly.jr@leg.state.fl.us Christensen.patty@leg.state.fl.us rehwinkle.charles@leg.state.fl.us</p>
<p>James D. Beasley, Esq J. Jeffrey Wahlen, Esq. Ausley & McMullen Attorneys for Tampa Electric P.O. Box 391 Tallahassee, Florida 32302 jbeasley@ausley.com jwahlen@ausley.com</p>	<p>John T. Burnett, Esq./Diane M. Triplett Progress Energy Service Company, LLC P.O. Box 14042 St. Petersburg, Florida 33733-4042 john.burnett@pgnmail.com diane.triplett@pgnmail.com</p>
<p>John W. McWhirter, Jr., Esq McWhirter & Davidson, P.A. Attorneys for FIPUG P.O. Box 3350 Tampa, Florida 33602 jmcwhirter@mac-law.com</p>	<p>Beth Keating, Esq. Gunster Firm Attorneys for FPUC 215 So. Monroe St., Suite 618 Tallahassee, Florida 32301-1804 bkeating@gunster.com</p>
<p>Jeffrey A. Stone, Esq. Russell A. Badders, Esq. Beggs & Lane Attorneys for Gulf Power 501 Commendencia Street Pensacola, FL 32502 jas@beggslane.com rab@beggslane.com</p>	<p>James W. Brew, Esq / F. Alvin Taylor, Esq. Attorney for White Springs Brickfield, Burchette, Ritts & Stone, P.C 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 2007-5201 jbrew@bbrslaw.com ataylor@bbrslaw.com</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 swright@yvlaw.net jlavia@yvlaw.net</p>	<p>Jon C. Moyle, Esq. and Vicki Kaufman, Esq. Keefe, Anchors Gordon & Moyle, P.A. 118 N. Gadsden St. Tallahassee, FL 32301 Co-Counsel for FIPUG ykaufman@kagmlaw.com jmoyle@kagmlaw.com</p>
<p>Patrick K. Wiggins AFFIRM P.O. Drawer 1657 Tallahassee, FL 32302 wigglaw@gmail.com</p>	<p>Michael Barrett Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd Tallahassee, Florida 32399-0850 MBARRETT@PSC.STATE.FL.US</p>
<p>Allan Jungels, Capt, USAF Utility Litigation & 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 Allan.Jungels@tyndall.af.mil</p>	



Scott A. Goorland
Fla. Bar No. 0066834

EXHIBIT “A”

**CONFIDENTIAL
FILED UNDER SEPARATE COVER**