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Law Department

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June 15, 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 / EXT
 filed by OPC

For DN 08272-09, which
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RECEIVED-FPSC
11 JUN 16 AM 10:21
COMMISSION
CLERK

Re: Docket No. 110009-EI; Nuclear Power Plant Cost Recovery Clause

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of its First Request for Extension of Confidential Classification of Exhibit SDS-5 submitted in Docket No. 090009-EI, including a Revised Exhibit D. Revised Exhibit D contains an affidavit in support of FPL's Request. Also included in this filing is a compact disc containing FPL's First Request for Extension of Confidential Classification in Microsoft Word format.

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

Sincerely,

Jessica Cano
Jessica A. Cano

Enclosures
cc: Parties of Record (w/out enc.)

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

an FPL Group company

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Nuclear Power Plant)
Cost Recovery Clause)

Docket No. 110009-EI
Filed: June 16, 2011

**FLORIDA POWER & LIGHT COMPANY'S FIRST REQUEST
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF EXHIBIT SDS-5**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests continued confidential classification of Exhibit SDS-5 to the rebuttal testimony of Steven Scroggs submitted in Docket No. 090009-EI. In support of its request, FPL states as follows:

1. On August 10, 2009, FPL requested confidential classification of exhibit SDS-5. FPL's August 10, 2009 request and exhibits A through D are incorporated herein by reference. On December 16, 2009, the Florida Public Service Commission ("Commission") granted FPL's request. *In re: Nuclear Cost Recovery Clause*, Docket No. 090009-EI, Order No. PSC-09-0829-CFO-EI.

2. The period of confidential treatment granted by Order No. PSC-09-0829-CFO-EI will soon expire. All of the information that was the subject of Order No. PSC-09-0829-CFO-EI warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3), Florida Statutes. Accordingly, FPL hereby submits its First Request for Extension of Confidential Classification. Included herewith is a Revised Exhibit D, containing the affidavit of Steven Scroggs in support of this request.

3. The information in SDS-5 continues to be proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. Section 366.093, Florida Statutes, defines confidential information as information that is intended to be and is treated by the company as private in that disclosure of the information would cause harm to the

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company's business operations or its customers, and has not been disclosed publicly. 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, such information is entitled to confidential treatment and it 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 harm of disclosure against the public interest in access to the information

4. As the affidavit included in Revised Exhibit D indicates, the information includes contractual vendor data, such as pricing and other terms, the public disclosure of which would violate non-disclosure provisions of FPL's contracts and impair the efforts of FPL to contract for goods and services on favorable terms in the future. This information is protected from public disclosure pursuant to Section 366.093(3)(d), Florida Statutes. This information is also competitively sensitive, and protected from public disclosure pursuant to Section 366.093(3)(e), Florida Statutes.

5. Nothing has changed since the issuance of Order No. PSC-09-0829-CFO-EI 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 information described herein is 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), Fla. Stat.

WHEREFORE, for the above and forgoing reasons, as more fully set forth in the supporting materials and affidavits included herewith and incorporated herein by reference, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification of Exhibit SDS-5 be granted.

Respectfully submitted,

Jessica A. Cano
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Telephone: (561) 304-5675
Facsimile: (561) 691-7135

By: Jessica Cano
Jessica A. Cano
Fla. Bar. No. 0037372

**CERTIFICATE OF SERVICE
DOCKET NO. 110009-EI**

I HEREBY CERTIFY that a true and correct copy of FPL's First Request for Extension of Confidential Classification was served via hand delivery* or U.S. mail this 16th day of June, 2011 to the following:

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By: Jessica Cano
Jessica A. Cano
Fla. Bar. No. 0037372

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost)
Recovery Clause)

DOCKET NO. 110009-EI

STATE OF FLORIDA)
PALM BEACH COUNTY)

AFFIDAVIT OF STEVEN D. SCROGGS

BEFORE ME, the undersigned authority, personally appeared Steven D. Scroggs who, being first duly sworn, deposes and says:

1. My name is Steven D. Scroggs. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director, Project Development. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C and the documents that are the subject of FPL's First Request for Extension of Confidential Classification of Exhibit SDS-5, filed in docket No. 090009-EI, for which I am identified on Exhibit C as the affiant. The documents and materials that I have reviewed contain proprietary confidential business information concerning bids or other contractual data related to a specific vendor. Disclosure of this information would violate FPL's contract with its vendor, work to the detriment of FPL's competitive interests, and/or impair FPL's efforts to enter into contracts on commercially favorable terms. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. No significant changes have occurred since the issuance of Order No. PSC-09-0829-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than eighteen months. These materials should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.

Steven D. Scroggs

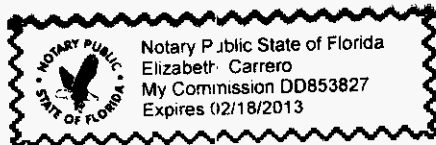
Steven D. Scroggs

SWORN TO AND SUBSCRIBED before me this 15th day of June 2011, by Steven D. Scroggs, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.

Elizabeth Carrero

Notary Public, State of Florida

My Commission Expires:



DOCUMENT NUMBER-DATE

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