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11 JUN 24 PM 4:17

COMMISSION
CLERK

June 24, 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
 filed by OPC

For DN 04398-11, which
is in locked storage. You must be
authorized to view this DN.-CLK

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 Request for Confidential Classification of Staff's "Review of Florida Power & Light Company's Project Management Internal Controls for Nuclear Plant Uprate and Construction Projects". The original includes Exhibit A through D. The seven (7) copies include Exhibits C and D only.

Exhibit A consists of the confidential Staff report, and all information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Two copies of Exhibit B are included. Exhibit C consists of FPL's justification table for its Request for Confidential Classification. Exhibit D contains two affidavits in support of FPL's Request for Confidential Classification. Also included in this filing is a compact disc containing FPL's Request for Confidential Classification and Exhibit C only in Microsoft Word format.

COM _____
APA _____
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ADM _____
OPC _____
CLK _____

3+ | CD contain Please contact me if you or your Staff has any questions regarding this filing.
ing Request and exhibit C.

Sincerely,

Jessica Cano
Jessica A. Cano

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

DOCUMENT NUMBER - DATE

04397 JUN 24 =

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant)
Cost Recovery Clause)

Docket No. 110009-EI
Filed: June 24, 2011

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
INTERNAL CONTROLS AUDIT REPORT**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain information included in the "Review of Florida Power & Light Company's Project Management Internal Controls for Nuclear Plant Uprate and Construction Projects" audit report ("Audit Report") prepared by the Florida Public Service Commission Office of Auditing and Performance Analysis. In support of its request, FPL states as follows:

1. During its review of FPL's internal controls, Staff was provided with various confidential documents and confidential information. By letter dated June 10, 2011, Staff conducted a preliminary exit conference for the Audit Report, which includes confidential information provided by FPL. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL was given 21 days from the date of the letter to file a formal request for confidential classification with respect to the Audit Report. Accordingly, FPL is filing this Request for Confidential Classification to maintain continued confidential handling of the information contained in the Audit Report.

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

a. Exhibit A includes a copy the confidential Audit Report, on which all information that is entitled to confidential treatment under Florida law has been highlighted.

b. Exhibit B consists of a copy of the confidential Audit Report, on which all information that is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing the specific line, column and page references to the confidential information, and references to the specific statutory basis or bases for the claim of confidentiality and to the affidavit in support of the requested confidential classification.

d. Exhibit D includes the affidavits of Bruce Beisler and Steven Scroggs.

3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. This information is intended to be and is treated by FPL as private in that the disclosure of the information would cause harm to customers or FPL's business operations, and its confidentiality has been maintained. 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. A majority of the Audit Report is not asserted to be confidential. However, as the affidavits included in Exhibit D indicate, some of information in the Audit Report is proprietary, confidential business information. The Audit Report contains information related to bids or contractual data, such as pricing or other terms, the public disclosure of which would violate nondisclosure provisions of FPL's contracts with certain vendors and impair FPL's ability to contract for goods or services on favorable terms in the future. Such information is protected from public disclosure by Section 366.093(3)(d), Florida Statutes. The Audit Report also

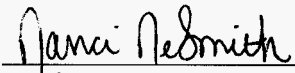
includes competitively sensitive information which, if disclosed, could impair the competitive interests of the provider of the information and could impair current negotiations FPL is engaged in with certain vendors. Such information is protected by Section 366.093(3)(e), Florida Statutes.

5. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, is proprietary confidential business information, the information should not be declassified for a period of 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. *See* § 366.093(4), Fla. Stat.

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 Request for Confidential Classification be granted.

Respectfully submitted,

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By: 
for 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 Request for Confidential Classification of Internal Controls Audit Report was served via hand delivery* or U.S. mail this 24th day of June, 2011 to the following:

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