



Florida Power & Light Company, P. O. Box 14000, Juno Beach, FL 33408-9420
Law Department

Maria J. Moncada
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5795
(561) 691-7135 (Facsimile)
Email: Maria.Moncada@fpl.com

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COMMISSION
CLERK

July 1, 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 04575-11, which
is in locked storage. You must be
authorized to view this DN.-CLK

Re: Docket No. 110002-EG
Request for Confidential Classification (Audit No. 11-005-4-4)

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Request for Confidential Classification of Materials Provided Pursuant to Audit No. 11-005-4-4. The original includes Exhibits A, B (two copies), C and D. The seven copies do not include copies of the Exhibits.

Exhibit A consists of the confidential documents, and all the 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. Exhibit C consists of a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains eight 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.

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

COM
APA
ECR
GCL
RAD
SSC
ADM
OPC
CLK

4+100 containing request and exhibit C.

Sincerely,

Maria J. Moncada
Attorney for
Florida Power & Light Company

Enclosures
cc: parties of record, w/out exhibits

an FPL Group company

DOCUMENT NUMBER-DATE
04574 JUL-1 =
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Energy Conservation Cost)
Recovery Clause)
_____)

Docket No. 110002-EG

Filed: July 1, 2011

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
MATERIALS PROVIDED PURSUANT TO AUDIT NO. 11-005-4-4**

Pursuant to Section 366.093, Florida Statutes (2011) ("Section 366.093"), and Rule 25-22.006, Florida Administrative Code (2011) ("Rule 25-22.006"), Florida Power & Light Company ("FPL") requests confidential classification of certain material provided to the Staff of the Florida Public Service Commission ("Staff") pursuant to Audit Control No. 11-005-4-4 ("the Audit"). In support of this request, FPL states as follows:

1. During the Audit, FPL provided Staff with various confidential documents. By letter dated June 14, 2011, Staff indicated its intent to retain certain audit work papers. Pursuant to Rule 25-22.006(3)(a), FPL was given 21 days from the date of the letter to file a formal request for confidential classification with respect to the work papers. Accordingly, FPL files this Request for Confidential Classification to maintain continued confidential handling of the confidential work papers.

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

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

c. Exhibit C is a table that identifies the specific line and page references to the confidential materials for which FPL seeks confidential treatment. The table also references

the specific statutory basis or bases for the claim of confidentiality and the affidavits in support of the requested classification.

d. Exhibit D includes the affidavits of Antonio Maceo and Anita Sharma.

3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3). This information is intended to be and is treated by FPL as private, and its confidentiality has been maintained. Pursuant to Section 366.093, 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 harm of disclosure against the public interest in access to the information.

4. As the affidavits included in Exhibit D indicate, certain information provided by FPL contains information related to internal auditing controls or reports of internal auditors. This information is protected from public disclosure pursuant to Section 366.093(3)(b).

5. Additionally, a few documents contain or constitute competitively sensitive data, the disclosure of which could impair the competitive business of the provider of the information. In particular, the sensitive data consists of confidential terms pertaining to pension and welfare rates. This information, too, is protected pursuant to Section 366.093(3)(e).


6. 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. (2011).

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,

Maria J. Moncada
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5795
Facsimile: (561) 691-7135
Email: maria.moncada@fpl.com

By:



Maria J. Moncada
Fla. Bar No. 0773301

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification (*) has been furnished by hand delivery (**) or by U.S. Mail this 1st day of July, 2011 to the following:

Theresa Tan*
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Ltan@psc.state.fl.us

Office of Public Counsel
J. R. Kelly, Esq.
Patricia Ann Christensen, Esq.
Charlie Beck, Esq.
c/o The Florida Legislature
111 West Madison St., Room 812
Tallahassee, FL 32399-1400
Kelly.jr@leg.state.fl.us
Christensen.patty@leg.state.fl.us
beck.charles@leg.state.fl.us

Beggs & Lane Law Firm
Jeffrey Stone/Russell Badders/
Steven Griffin
Attorneys for Gulf Power Company
501 Commendencia Street
Pensacola, FL 32502-5953
jas@beggslane.com
rab@beggslane.com

Ausley Law Firm
James Beasley/J. Jeffrey Wahlen
Attorneys for Tampa Electric Company
(TECO)
P.O. Box 391
Tallahassee, FL 32302
jbeasley@ausley.com
jwahlen@ausley.com

Gulf Power Company
Ms. Susan D. Ritenour
One Energy Place
Pensacola, FL 32520-0780
sdriteno@southernco.com

Tampa Electric Company
Paula K. Brown
Regulatory Affairs
P. O. Box 111
Tampa, FL 33601-0111

Florida Industrial Power Users Group
John W. McWhirter, Jr.
c/o McWhirter Law Firm
P.O. Box 3350
Tampa, FL 33601-3350
jmcwhirter@mac-law.com

Keefe Law Firm
Vicki Gordon Kaufman/Jon C. Moyle, Jr.
Attorneys for Florida Industrial Power
Users Groups (FIPUG)
118 North Gadsen Street
Tallahassee, FL 32301
vkaufman@kagmlaw.com
jmoyle@kagmlaw.com

Beth Keating, Esq.
Gunster Firm
Attorneys for FPUC
215 So. Monroe St., Suite 618
Tallahassee, Florida 32301-1804
bkeating@gunster.com

Florida Public Utilities Company
Thomas A. Geoffroy
P. O. Box 3395
West Palm Beach, FL 33402-3395
tgeoffroy@cfgas.com

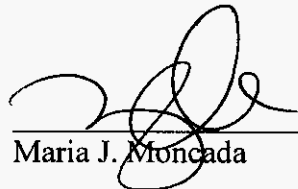
James W. Brew
F. Alvin Taylor
Attorneys for White Springs Agricultural
Chemicals, Inc.
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson St., NW
Eighth Floor, West Tower
Washington, DC 20007
jbrew@bbrslaw.com
ataylor@bbrslaw.com

Randy Miller
White Springs Agricultural Chemicals, Inc.
P.O. Box 300
15843 Southeast 78th Street
White Springs, FL 32096
rmiller@pcsphosphate.com

Progress Energy Service Company, LLC
John T. Burnett/Diane M. Triplett
P.O. Box 14042
St. Petersburg, FL 33733-4042
John.burnett@pgnmail.com
Dianne.triplett@pgnmail.com

Progress Energy Florida, Inc.
Mr. Paul Lewis, Jr.
106 East College Avenue, Suite 800
Tallahassee, FL 32301-7740
Paul.lewisjr@pgnmail.com

Karen S. White, Esq
Staff Attorney
AFLOA/JACL-ULT/FLOA/JACL-ULT
139 Barnes Drive, Suite 1
Tyndall AFB, FL 32403-5317
Attorney for the Federal Executive
Agencies
Karen.White@tyndall.af.mil



Maria J. Moncada

EXHIBIT A

CONFIDENTIAL

FILED UNDER SEPARATE COVER