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RECEIVED-FPSC

11 JUL 20 PM 4: 10

COMMISSION  
CLERK

July 20, 2011

**VIA HAND DELIVERY**

Ms. Ann Cole, Director  
Division of the Commission Clerk and  
Administrative Services  
Florida Public Service Commission  
Betty Easley Conference Center, Room 110  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

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

For DN 05042-11, which  
is in locked storage. You must be  
authorized to view this DN.-CLK

**Re: Florida Power & Light Company's Request for Confidential Classification of  
Certain Material Provided in Connection with the Monthly Fuel Filings  
Docket No. 110001-EI**

Dear Ms. Cole:

I enclose and hand you herewith for filing in the above-referenced matter, an original and seven (7) copies of Florida Power & Light Company's ("FPL") Request for Confidential Classification. The original includes Attachments A, B, and C.

Attachment A contains the confidential information that is the subject of FPL's Request for Confidential Classification. Attachment A is submitted for filing separately and marked "ATTACHMENT A - CONFIDENTIAL". Attachment B is an edited version of Attachment A, in which the information FPL asserts is confidential has been blocked out. Attachment C contains FPL's justification for its request for confidential classification.

In accordance with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information in Attachment A pending disposition of FPL's request for Confidential Classification.

Also included herewith is a computer diskette containing FPL's Request for Confidential Classification and Attachment C. The diskette is HD density, the operating system is Windows XP, and the processing software is Word. Please contact me should you or your Staff have any questions regarding this filing.

*3+ cc containing request and exhibit C.*

Sincerely,

John T. Butler

COM \_\_\_\_\_  
APA \_\_\_\_\_  
ECR 3 \_\_\_\_\_  
GCL \_\_\_\_\_  
RAD \_\_\_\_\_  
SSC \_\_\_\_\_  
ADM \_\_\_\_\_  
OPC \_\_\_\_\_  
CLK \_\_\_\_\_

JTB/jsb

Enclosures

cc: Service List (w/out attachments)

DOCUMENT NUMBER-DATE

05041 JUL 20 =

FPSC-COMMISSION CLERK

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power )  
Cost Recovery Clause and Generating )  
Performance Incentive Factor )  
\_\_\_\_\_ )

DOCKET NO. 110001-EI

FILED: July 20, 2011

**REQUEST FOR CONFIDENTIAL CLASSIFICATION**

**NOW, BEFORE THIS COMMISSION**, through undersigned counsel, comes Florida Power & Light Company (“FPL”) and, pursuant to section 25-22.006 of the Florida Administrative Code and section 366.093 of the Florida Statutes, hereby requests confidential classification of certain information on Florida Public Service Commission (“FPSC” or “Commission”) Forms 423-1(a), 423-2, 423-2(a) and 423-2(b) for May/April 2011 submitted in Docket No. 110001-EI. In support of its Request, FPL states as follows:

1. Petitioner’s principal business address is as follows:

Florida Power & Light Company  
P.O. Box 029100  
Miami, Florida 33102-9100

Orders, notices, or other pleadings related to this request should be served on:

Kenneth Hoffman  
Vice President Regulatory Support  
Florida Power & Light Company  
215 S. Monroe Street, Suite 810  
Tallahassee, FL 32301-1858  
(850) 521-3919  
(850) 521-3939 Fax  
Email: [Ken.Hoffman@fpl.com](mailto:Ken.Hoffman@fpl.com)

John T. Butler  
Managing Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
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(561) 304-5639  
(561) 691-7135 Fax  
Email: [John.Butler@fpl.com](mailto:John.Butler@fpl.com)

2. The following attachments are included herewith and made a part hereof:
  - a. Attachment A includes the complete and unedited version of FPL's May 2011 Form 423-1(a), St. Johns River Power Park's (SJRPP) May 2011 Forms 423-2, 423-2(a) and 423-2(b) and R. W. Scherer's (Plant Scherer) April 2011 Forms 423-2, 423-2(a) and 423-2(b) which contain certain information that FPL asserts should be accorded confidential treatment. The information in Attachment A for which FPL seeks confidential classification has been highlighted. Attachment A is submitted separately in a sealed envelope marked "**CONFIDENTIAL.**"
  - b. Attachment B is the edited version of Attachment A. All information that FPL asserts is entitled to confidential treatment has been redacted in Attachment B.
  - c. Attachment C identifies information for which confidential treatment is sought and, with regard to each item or type of information, contains a brief statement that explains the need for confidentiality and refers to the specific statutory basis or bases for the request.

3. Pursuant to section 366.093, FPL seeks confidential protection for the information highlighted in Attachment A. FPL submits that such information is proprietary confidential business information within the meaning of section 366.093(3). Pursuant to section 366.093, 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.

4. The statutory bases and support for FPL's assertion of confidentiality with regard to specific items or types of information are set forth in Attachment C. The information for which confidential classification is sought is intended to be and is treated by FPL as confidential and, to the best of FPL's knowledge and belief, has not been publicly disclosed.

5. Upon a finding by the Commission that the material in Attachment A for which FPL seeks confidential treatment is proprietary confidential business information within the meaning of section 366.093(3), pursuant to section 366.093(4) such materials should not be declassified for eighteen (18) months, or as otherwise extended by the Commission. Further, the materials should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business.

**WHEREFORE**, for the above and foregoing reasons, including those set forth in the supporting materials included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,



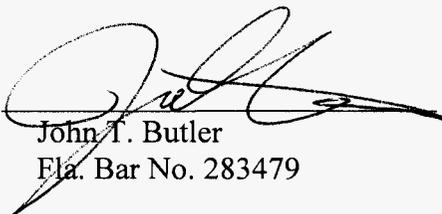
JOHN T. BUTLER  
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Email: [John.Butler@fpl.com](mailto:John.Butler@fpl.com)

## CERTIFICATE OF SERVICE

**I, THE UNDERSIGNED COUNSEL, HEREBY CERTIFY** that a copy of Florida Power & Light Company's Request for Confidential Classification, without Attachment A, has been served via hand delivery\* and/or first class mail, postage prepaid to the parties listed below, this 20th day of July 2011:

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

By:   
John T. Butler  
Fla. Bar No. 283479

**ATTACHMENT “A”**

**CONFIDENTIAL  
FILED UNDER SEPARATE COVER**

**FPL’S FPSC FORM 423-1(a)**

**SJRPP’S FPSC FORMS**

**423-2**

**423-2 (a)**

**423-2 (b)**

**R.W. SCHERER FPSC FORMS**

**423-2**

**423-2 (a)**

**423-2 (b)**

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