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Law Department

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COMMISSION  
CLERK

July 29, 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

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 the Testimony and Exhibits of OPC witness William Jacobs. The original includes Exhibit A through D. The seven (7) copies include Exhibits C and D only.

FPL has determined that Dr. Jacobs's Exhibits WRJ-1 through WRJ-5 and WRJ-10 through WRJ-13 are not confidential. FPL has also determined that the testimony and exhibits of OPC witness Brian Smith are not confidential. These non-confidential documents have been excluded from this filing.

Exhibit A consists of the confidential testimony and exhibits, 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 one affidavit 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.

*containing request and exhibit C.*

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an FPL Group company

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

Sincerely,

A handwritten signature in black ink that reads "Jessica Cano". The signature is written in a cursive, flowing style.

Jessica A. Cano

Enclosures

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

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Nuclear Power Plant                    )  
Cost Recovery Clause                            )

Docket No. 110009-EI  
Filed: July 29, 2011

**FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
OF THE TESTIMONY AND EXHIBITS OF WILLIAM JACOBS**

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 testimony and exhibits of the Office of Public Counsel's witness William Jacobs. In support of its request, FPL states as follows:

1. On July 8, 2011 FPL filed a Notice of Intent to Request Confidential Classification of Dr. Jacobs's testimony and exhibits and Mr. Smith's testimony and exhibits. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL has 21 days from the date of the Notice of Intent to file a formal request for confidential classification. Accordingly, FPL is filing this Request for Confidential Classification to maintain continued confidential handling of the information contained in the testimony and exhibits of Dr. Jacobs. FPL has determined that there is no confidential information in the testimony and exhibits of Mr. Smith.

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

a. Exhibit A includes a copy of the confidential testimony and exhibits, 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 testimony and exhibits, on which all information that is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing the specific line and page references to the confidential information, and references to the specific statutory basis or bases for the

DOCUMENT NUMBER-DATE

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claim of confidentiality and to the affidavit in support of the requested confidential classification.

d. Exhibit D includes the affidavit of Bruce Beisler in support of this request.

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. As the affidavit included in Exhibit D indicates, some of information in the testimony and exhibits of William Jacobs is proprietary, confidential business information. This includes information related to bids or contractual data, such as pricing or other contractual 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 testimony and exhibits also include competitively sensitive information which, if disclosed, could impair the competitive interests of the provider of the information. 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 affidavit included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted

Respectfully submitted,

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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 Request for Confidential Classification (without exhibits) was served via hand delivery\* or U.S. mail this 28th day of July, 2011 to the following:

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