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COMMISSION
CLERK

August 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

Re: Docket No. 110001-EI

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 Certain Information on FPL's 2012 Risk Management Plan (Exhibit GJY-2). The original includes Exhibits A through D. The copies include Exhibits C and D only.

Exhibit A contains the confidential information that is the subject of FPL's Request for Confidential Classification. Exhibit A is submitted for filing separately and marked "**EXHIBIT A**" - **CONFIDENTIAL**. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C contains FPL's justification for its Request for Confidential Classification. Exhibit D contains the Affidavit of Gerard Yupp in support of FPL's Request for Confidential Classification. In accordance with Rule 25.22.006(3)(d), FPL requests confidential treatment of the information in EXHIBIT A pending disposition of FPL's request for Confidential Classification.

Also included herewith is a computer CD containing FPL's Request for Confidential Classification and Exhibit C.

Please contact me should you or your Staff have any questions regarding this filing.

- COM
- APA
- ECR
- GCL
- RAD
- SSC
- ADM
- OPC
- CLK

3 CDs containing request and exhibit C.

Sincerely,

John T. Butler

Enclosures
cc: parties of record, w/o exhibits

DOCUMENT NUMBER - DATE

05399 AUG-1 =

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power) Docket No. 110001-EI
Cost Recovery Clause with Generating)
Performance Incentive Factor.) Filed: August 1, 2011
_____)

FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF CERTAIN INFORMATION ON FPL'S 2012
RISK MANAGEMENT PLAN

Pursuant to Section 366.093 of the Florida Statutes, and Rule 25-22.006, Florida Administrative Code., Florida Power & Light Company ("FPL") requests confidential classification of certain information (the "Confidential Information") contained in FPL's 2012 Risk Management Plan ("Hedging Plan"), which is Appendix III to the 2011 estimated/actual true-up petition that is being filed in this docket on August 1, 2011. In support of its Request, FPL states as follows:

1. This Request is intended to request confidential classification of the Confidential Information consistent with Rule 25-22.006.
2. The following exhibits are included with this Request:
 - a. Composite Exhibit A consists of a copy of the Hedging Plan in which all the Confidential Information has been highlighted.
 - b. Composite Exhibit B consists of two copies of the Hedging Plan in which all the Confidential Information has been redacted (for the attachments in the Hedging Plan in which the entire attachment is confidential, FPL has included only identifying cover pages in Exhibit B).
 - c. Exhibit C is a table containing an identification of the Confidential Information, together with references to the specific statutory basis for the claim of confidentiality and to the affidavit in support of the requested classification.

DOCUMENT NUMBER-DATE

05399 AUG-1 =

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d. Exhibit D is an affidavit of Gerard J. Yupp.

3. FPL seeks confidential protection for the Confidential Information contained in the Hedging Plan because it comprises trade secrets of FPL, which allow FPL to hedge the purchase of heavy fuel oil and natural gas on favorable terms for FPL and its customers. The disclosure of that trade-secret information would provide other market participants insight into FPL's marketing and trading practices that would allow them to anticipate FPL's marketing and trading decisions and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers. *See* §366.093(3)(a), Fla. Stat. Additionally, the Confidential Information contained in the Hedging Plan includes information related to hedging-related bids or other contractual data, the disclosure of which would impair the efforts of FPL to hedge on favorable terms, to the detriment of FPL and its customers. *See* §366.093(3)(d), Fla. Stat. Finally, the Confidential Information is also related to competitive interests, and its disclosure would impair the competitive business of FPL. *See* §366.093(3)(e), Fla. Stat.

4. FPL submits that the Confidential Information is proprietary confidential business information within the meaning of Section 366.093(3). Pursuant to Section 366.093, such information is entitled to confidential treatment and is exempt from disclosure provisions of the public records law.

5. The Confidential Information is intended to be and is treated by FPL as private, and its confidentiality has been maintained.

6. Upon a finding by the Commission that the Confidential Information 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 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.

WHEREFORE, FPL respectfully requests confidential classification of the Confidential Information contained in the Hedging Plan.

Respectfully submitted,

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BY: 

John T. Butler
Fla. Bar No. 283479

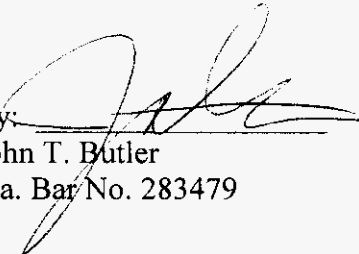
CERTIFICATE OF SERVICE

Docket No. 110001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery (*) or United States Mail on this 1st day of August 2011, to the following:

<p>Lisa Bennett, Esq.* Jennifer Crawford, Esq. Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd Tallahassee, Florida 32399-0850 lbennett@psc.state.fl.us jcrawford@PSC.STATE.FL.US</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 Kelly.jr@leg.state.fl.us Christensen.patty@leg.state.fl.us rehwinkle.charles@leg.state.fl.us</p>
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<p>John W. McWhirter, Jr., Esq McWhirter & Davidson, P.A. Attorneys for FIPUG P.O. Box 3350 Tampa, Florida 33602 jmcwhirter@mac-law.com</p>	<p>Beth Keating, Esq. Gunster Firm Attorneys for FPUC 215 So. Monroe St., Suite 618 Tallahassee, Florida 32301- 1804 bkeating@gunster.com</p>
<p>Jeffrey A. Stone, Esq. Russell A. Badders, Esq. Beggs & Lane Attorneys for Gulf Power 501 Commendencia Street Pensacola, FL 32502 jas@beggslane.com rab@beggslane.com</p>	<p>James W. Brew, Esq / F. Alvin Taylor, Esq. Attorney for White Springs Brickfield, Burchette, Ritts & Stone, P.C 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 2007-5201 jbrew@bbrslaw.com ataylor@bbrslaw.com</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 <u>swright@yvlaw.net</u> <u>jlavia@yvlaw.net</u></p>	<p>Jon C. Moyle, Esq. and Vicki Kaufman, Esq. Keefe, Anchors Gordon & Moyle, P.A. 118 N. Gadsden St. Tallahassee, FL 32301 Co-Counsel for FIPUG <u>ykaufman@kagmlaw.com</u> <u>jmoyle@kagmlaw.com</u></p>
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<p>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 <u>Karen.White@tyndall.af.mil</u></p>	

By: 
John T. Butler
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