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COMMISSION
CLERK

August 11, 2011

-VIA HAND DELIVERY -

Ms. Ann Cole, Director
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

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

For DN 05679-11, which is in locked storage. You must be authorized to view this DN.-CLK

Re: Docket No. 100458-EI

Dear Ms. Cole:

Enclosed for filing in the above described docket please find the original and seven (7) copies of Florida Power & Light Company's Supplemental Request for Confidential Classification concerning FPL responses to Staff's First Data Request No. 118. The original includes Exhibits A through D.

Exhibit A contains the confidential information that is the subject of FPL's Supplemental Request for Confidential Classification. Exhibit A is submitted for filing separately and marked "EXHIBIT A"-CONFIDENTIAL. In accordance with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information in EXHIBIT A pending disposition of FPL's Supplemental Request for Confidential Classification. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C is FPL's justification table for its confidentiality request. Exhibit D contains the affidavit of Dr. Rosemary Morley in support of FPL's confidentiality request.

Also included herewith is a computer CD containing FPL's Supplemental Request for Confidential Classification and Exhibit "C". The operating system is Windows XP, and the processing software is Word.

Please contact me if you have any questions regarding this filing.

- COM _____
- APA _____
- ECR 5 _____
- GCL 1 _____
- RAD _____
- SSC _____
- ADM _____
- OPC _____
- CLK 1 _____

Enclosures
cc: Party of Record (w/o exhibits)

Sincerely,

John T. Butler

DOCUMENT NUMBER-DATE

05678 AUG 11 =

FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Approval of 2010 Nuclear
Decommissioning Study by Florida Power)
& Light Company)
_____)

DOCKET NO. 100458-EI

FILED: August 11, 2011

**SUPPLEMENTAL REQUEST FOR CONFIDENTIAL CLASSIFICATION
TO THE COMMISSION STAFF'S FIRST DATA REQUEST NO. 118**

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 portions of information provided to the Florida Public Service Commission ("FPSC" or "Commission") staff ("Staff") as a follow-up response to Question No. 118 of Staff's First Data Request concerning Florida Power & Light's 2010 Decommissioning Study. In support of its Request, FPL states as follows:

1. On July 22, 2011, FPL filed a Notice of Intent to Request Confidential Classification of FPL's with respect to the above-referenced follow-up (the "Confidential Material"). This Request for Confidential Classification is being filed pursuant to Rule 25-22.006, in support of the continued confidential classification of the Confidential Material.

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

a. Exhibit A is the confidential copy of the Confidential Material, with the confidential portion highlighted.

b. Exhibit B is a redacted copy of the Confidential Material, with the confidential portion blacked out.

c. Exhibit C is a table containing a line-by-line and page-by-page identification of the Confidential Material and, with regard to each document or portions thereof, references to the specific statutory basis or bases for the claim of confidentiality and to the affidavits in support of the requested classification.

d. Exhibit D is comprised of the original affidavit of Dr. Rosemary Morley.

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. Section 366.093(3), Florida Statutes, defines confidential information as information that is intended to be and is treated by the company as private in that the disclosure of the information would cause harm to the ratepayers or the company's business operations, and has not been publicly disclosed. The Confidential Material attached hereto is intended to be and has been treated by FPL as private and its confidentiality has been maintained. Disclosure of the Confidential Material would cause harm to FPL and its customers. Pursuant to Section 366.093, Florida Statutes, 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 affidavit included in Exhibit D attests, the Confidential Materials contains proprietary confidential business information. FPL's agreement with IHS Global Insight requires that the data included in FPL's response be treated confidentially. Disclosure of this information would be inconsistent with FPL's contractual obligations and would impair the efforts of FPL to contract for goods or services on favorable terms in the future, to the detriment of FPL and its

customers. Such information is protected pursuant to Section 366.093(3)(d) and (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).

WHEREFORE, for the foregoing reasons, Florida Power & Light Company respectfully requests that confidential classification of the documents identified in this Request be granted.

Respectfully submitted,

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By:

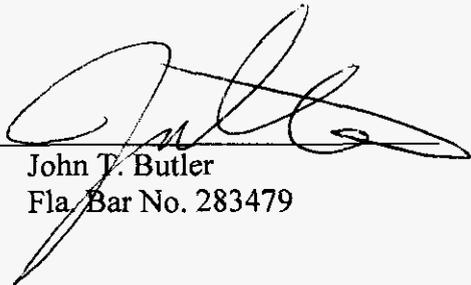


John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE
Docket No. 100458-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Supplemental Request for Confidential Classification (*) has been furnished by hand delivery on this 11th day of August 2011, to the following:

Caroline Klancke *
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

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

* The exhibits to this Request are not included with the service copy, but copies of Exhibits B, C and D are available upon request.

EXHIBIT A

CONFIDENTIAL

FILED UNDER SEPARATE COVER

EXHIBIT B

DOCUMENT IS CONFIDENTIAL

IN ITS ENTIRETY

202 PAGES TOTAL