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August 12, 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

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

For DN 05734-11, which
is in locked storage. You must be
authorized to view this DN.-CLK

RECEIVED-FPSC
11 AUG 12 PM 3:32
COMMISSION
CLERK

Re: Docket No. 110000; FPL's 2011 Ten Year Power Plant Site Plan

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 Responses to Staff's Sixth Data Request, Nos. 25 and 28. The original includes Exhibit A through C. The seven (7) copies include Exhibits B and C only.

Exhibit A is a compact disc containing the confidential documents. Exhibit B consists of FPL's justification table for its Request for Confidential Classification. Exhibit C contains a copy of the affidavit supporting FPL's request. (The original affidavit will be provided separately.) Also included in this filing is a compact disc containing FPL's Request for Confidential Classification and Exhibit B only in Microsoft Word format.

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

Sincerely,

Jessica A. Cano
to
Jessica A. Cano

COM _____
APA 1
ECR 4
GCL 1
RAD _____
SSC _____
ADM _____
OPC _____
CLK 1

4+1 CD containing request and exhibit B.

Enclosures
cc: Lawrence Harris

DOCUMENT NUMBER-DATE

05733 AUG 12 =

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Florida Power & Light Company's)
2011 Ten Year Power Plant Site Plan)

Docket No. 110000
Filed: August 12, 2011

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF RESPONSES
TO STAFF'S SIXTH DATA REQUEST NOS. 25 AND 28**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of the information included in the documents attached to its responses to the Commission Staff's Sixth Data Request No. 25 A and B and No. 28. In support of its request, FPL states as follows:

1. On July 22, 2011, FPL provided its responses to Staff's Sixth Data Requests, and provided the confidential documents responsive to Nos. 14, 25A, 25B, and 28 on a compact disc along with a Notice of Intent to Request Confidential Classification. 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 provided in response to Nos. 25 A and B and 28. FPL has determined that the information provided in response to No. 14 does not require confidential treatment.

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

a. Exhibit A is a compact disc containing the confidential documents. Pursuant to Rule 25-22.006(4)b, Florida Administrative Code, one unedited version of the compact disc has been provided.

b. Exhibit B is a table identifying the specific line, column and page references to the confidential information, and references to the specific statutory basis or

DOCUMENT NUMBER-DATE

05733 AUG 12 =

FPSC-COMMISSION CLERK

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

c. Exhibit C includes the affidavit of Juan Enjamio.

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 C indicates, the information provided to Staff is proprietary, confidential business information that is competitively sensitive to FPL. Disclosure of this information would impair negotiations with vendors and negatively affect FPL's ability to enter into contracts on commercially favorable terms. Additionally, this information could provide competitors with an unfair advantage. Such information is protected from public disclosure by Section 366.093(3)(e), Florida Statutes.

5. Upon a finding by the Commission that the information contained in Exhibit A, and referenced in Exhibit B, 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 affidavits included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted

Respectfully submitted this 12th day of August, 2011.

Jessica A. Cano, Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: (561) 304-5226
Facsimile: (561) 691-7135

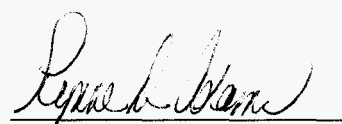
By: 
Or Jessica A. Cano
Florida Bar No. 0037372

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of FPL's Request for Confidential Classification (without attachments) was served by hand delivery this 12th day of August, 2011 to the following:

Lawrence Harris, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

By:



Jessica A. Cano
Fla. Bar No. 0037372

Exhibit B

Florida Power and Light Company's Request for Confidential Classification of Responses to Staff's Sixth Data Request, Nos. 25 and 28

Document	Description	Conf. Y/N	Line No./ Col. No.	Florida Statute 366.093 (3) Subsection	Affiant
Response to Data Request No. 25 A and B	Attachments 1-7	Y	All	(e)	Juan Enjamio
Response to Data Request No. 28	Attachments 1-7	Y	All	(e)	Juan Enjamio

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Florida Power & Light Company's)
2011 Ten Year Power Plant Site Plan)

Docket No. 110000

STATE OF FLORIDA)
)
PALM BEACH COUNTY)

AFFIDAVIT OF JUAN ENJAMIO

BEFORE ME, the undersigned authority, personally appeared Juan Enjamio who, being first duly sworn, deposes and says:

1. My name is Juan Enjamio. I am currently employed by Florida Power & Light Company ("FPL") as Supervisor, Integrated Analysis. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit B and the documents that are included in FPL's Request for Confidential Classification of Responses to Staff's 6th Data Request, Nos. 25 and 28, for which I am listed as the affiant. The documents and materials that I have reviewed contain proprietary confidential business information that is competitively sensitive to FPL. Disclosure of this information would impair negotiations with vendors and negatively affect FPL's ability to enter into contracts on commercially favorable terms. Additionally, this information could provide competitors with an unfair advantage. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.

Juan Enjamio

Juan Enjamio

SWORN TO AND SUBSCRIBED before me this 12th day of August 2011, by Juan Enjamio, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.

Jacqueline S. Bussey

Notary Public, State of Florida

My Commission Expires:

