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Law Department

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August 15, 2011

- VIA HAND DELIVERY -

Ms. Ann Cole,
Commission Clerk
Florida Public Service Commission
Betty Easley Conference Center
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

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

For DN 05767-1, which
is in locked storage. You must be
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Re: **Docket No. 110001-EI**

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of FPL's Request for Confidential Classification of Certain Information Contained in Hedging Information Report (Exhibit GJY-3). 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 CD containing FPL's Request for Confidential Classification and Exhibit C.

If there are any questions regarding this transmittal, please contact me at 561-304-5633.

Sincerely,

Scott Goorland

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1
3 + cc containing request and exhibit C.

Enclosures
cc: Counsel for Parties of Record (w/o encl.)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power)
cost recovery clause with)
generating performance incentive)
factor.)
_____)

Docket No. 110001-EI

Filed: August 15, 2011

**FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF CERTAIN INFORMATION CONTAINED IN
THE FUEL HEDGING INFORMATION REPORT (EXHIBIT GJY-3)**

Florida Power & Light Company ("FPL"), pursuant to Rule 25-22.006, F.A.C., and Section 366.093, Florida Statutes, requests confidential classification of certain information on fuel hedging activities and market comparisons that is contained FPL's Fuel Hedging Information Report. In support of its Request, FPL states as follows:

1. Pursuant to Order No. PSC-08-0316-PAA-EI, issued on May 14, 2008, FPL filed its Fuel Hedging Information Report on August 15, 2011, which will be adopted as exhibit GJY-3 in the testimony of FPL witness Gerry J. Yupp in FPL's September 1, 2011 filing in this docket. FPL's Fuel Hedging Information Report contains FPL proprietary confidential business information. This request is intended to request confidential classification of information contained in the Fuel Hedging Information Report.

2. The following exhibits are included with this Request:

a. Exhibit A consists of a copy of the Fuel Hedging Information Report, in which the confidential information has been highlighted.

b. Exhibit B consists of two copies of the Fuel Hedging Information Report in which the confidential information has been redacted.

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c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A, together with references to the specific statutory bases for the claim of confidentiality and to the affidavit in support of the requested confidential classification.

d. Exhibit D consists of the affidavit of Gerard J. Yupp, Senior Director of Wholesale Operations for FPL's Energy Marketing and Trading Division in support of this Request for Confidential Classification.

3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), F.S. This information is intended to be and is treated by FPL as private, and its confidentiality has been maintained. Pursuant to Section 366.093, F.S., 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. FPL's Fuel Hedging Information Report contains or constitutes data pertinent to FPL's fuel hedging program, specifically, the physical and financial details related to FPL's year to date hedging results for natural gas and fuel oil. This information constitutes trade secrets of FPL, and is protected by Section 366.093(3)(a), F.S. Additionally, this information, if disclosed would impair the efforts of FPL to contract for goods and services on favorable terms for the benefit of its customers, would impair the competitive interests of FPL and its vendors, and would place FPL at a competitive disadvantage when coupled with other information that is publicly available. This information is protected by Sections 366.093(3)(d) and (e), F.S.

5. Upon a finding by the Commission that the Fuel Hedging Information Report in Exhibit A is proprietary confidential business information within the meaning of Section

366.093(3), F.S., pursuant to Section 366.093(4), F.S. 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 Fuel Hedging Information Report.

Respectfully submitted,

R. Wade Litchfield, Esq.
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John T. Butler, Esq., Managing Attorney
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BY:



Scott A. Goorland
Fla. Bar No. 0066834

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 the United States Mail on this 15th day of August 2011 to the following:

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BY: _____


Scott A. Goorland
Fla. Bar No. 0066834

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