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Law Department

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11 AUG 19 AM 11:25

COMMISSION
CLERK

August 19, 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

claim of confidentiality
 notice of intent
 request for confidentiality
 filed by OPC
For DN 05921-11, which
is in locked storage. You must be
authorized to view this DN.-CLK

Re: Docket No. 110001-EI
Request for Confidential Classification (Audit No. 05-031-4-1)

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Third Request for Extension of Confidential Classification of Materials Provided Pursuant to Audit No. 05-031-4-1. The original includes Revised Exhibits A and B (two copies), along with Third Revised Exhibits C and D. The seven copies do not include copies of the Exhibits.

Revised Exhibit A consists of the confidential documents, and all the information that FPL asserts is entitled to confidential treatment has been highlighted. Revised Exhibit B is an edited version of Revised Exhibit A, in which the information FPL asserts is confidential has been redacted. Third Revised Exhibit C consists of a justification table in support of FPL's Request for Confidential Classification. Third Revised Exhibit D contains three affidavits in support of FPL's Request for Confidential Classification. Also included in this filing is a compact disc containing FPL's Third Request for Extension of Confidential Classification and Third Revised Exhibit C only, in Microsoft Word format.

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

- COM _____
- APA _____
- ECR 3 _____
- GCL _____
- RAD _____
- SSC _____
- ADM _____
- OPC _____
- CLK _____

3 HOP containing request and exhibit C.

Sincerely,

Maria J. Moncada
Attorney for
Florida Power & Light Company

Enclosures
cc: parties of record, w/out exhibits

DOCUMENT NUMBER - DATE
05920 AUG 19 =

FPSC - COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost)
Recovery Clause with Generating)
Performance Incentive Factor)

Docket No. 090001-EI

Date Filed: August 19, 2011

THIRD REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF MATERIALS PROVIDED PURSUANT TO AUDIT NO. 05-031-4-1

Pursuant to Section 366.093, Florida Statutes (2011) ("Section 366.093"), and Rule 25-22.006, Florida Administrative Code (2011) ("Rule 25-22.006"), Florida Power & Light Company ("FPL") requests confidential classification of certain material provided to the Staff of the Florida Public Service Commission ("Staff") pursuant to Audit Control No. 05-031-4-1 ("the Audit"). In support of this request, FPL states as follows:

1. On January 5, 2007, FPL filed its First Request for Extension of Confidential Classification of certain materials obtained during the Audit, which incorporated by reference the previously provided Exhibits A, B and C, and included a revised Exhibit D. FPL adopts and incorporates by reference its January 5, 2007 Request and exhibits.

2. By Order No. PSC-07-0884-CFO-EI, dated October 31, 2007, the Commission granted FPL's January 5, 2007 Request.

3. On April 29, 2009, FPL filed its Second Request for Extension of Confidential Classification of certain materials obtained during the Audit, which incorporated by reference the previously provided Exhibits A and B and included Revised Exhibits C and D. FPL adopts and incorporates by reference its April 29, 2009 Request and exhibits.

4. By Order No. PSC-10-0089-CFO-EI, dated February 22, 2010, the Commission granted FPL's April 29, 2009 Request.

5. The period of confidential treatment granted by Order No. PSC-10-0089-CFO-EI will soon expire. Some of the information that was the subject of FPL's April 29, 2009 Request warrants continued treatment as proprietary and confidential business information within the meaning of section 366.093(3), Florida Statutes. Accordingly, FPL hereby submits its Third Request for Extension of Confidential Classification.

6. Included herewith and made a part hereof is Revised Exhibits A and B together with Third Revised Exhibit C to reduce the number of pages for which confidential treatment is sought and to reflect a new affiant in support of the continued confidential classification of the confidential documents. Also included is a Third Revised Exhibit D which contains the affidavits of J. Carine Bullock, Damaris Rodriguez and Gerard J. Yupp.

7. FPL submits that the information identified in Third Revised Exhibit C continues to be proprietary confidential business information within the meaning of section 366.093(3), Florida Statutes. Pursuant to section 366.093, such materials are entitled to confidential treatment and are 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.

8. As the affidavits provided herewith indicate, the information that FPL asserts is proprietary and confidential business information includes security measures, systems, or procedures. This information is protected by Section 366.093(3)(c). Additionally, certain information contains contractual data such as pricing and other terms, supplier rates, and payment records, the disclosure of which would impair the efforts of FPL to contract for energy and capacity on favorable terms for the benefit of its customers and would impair the

competitive interests of FPL and its vendors. Certain information in these documents and materials would also place FPL at a disadvantage when coupled with other information that is publicly available. This information is protected by Section 366.093(3)(d) and (e).

9. Last, some documents contain information that relates to customer specific account information. It is FPL's policy not to disclose customer-specific information, except as required by law, to entities or persons other than the customer absent the customer's consent. The policy includes but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh, and bills. FPL's policy is premised upon customers' right to privacy and the potential that disclosure of customer specific information may harm some customers' competitive interests. This information is protected pursuant to Section 366.093(3)(e).

10. FPL requests that this information be accorded continued confidential classification for an additional 18-month period. FPL further requests that the information be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. *See* § 366.093(4), Fla. Stat.

WHEREFORE, for the above and forgoing reasons, as more fully set forth in the supporting materials and affidavits included herewith and incorporated herein by reference, Florida Power & Light Company respectfully requests that its Third Request for Extension of Confidential Classification be granted.

Respectfully submitted,

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By:



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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 this 19th day of August, 2011 to the following:

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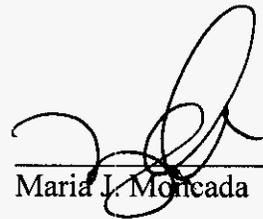
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