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Law Department

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October 6, 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 07322-11, which
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Re: Docket No. 110001-EI
Request for Confidential Classification (Audit No. 11-129-4-2)

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 Materials Provided Pursuant to Audit No. 11-129-4-2. The original includes Exhibits A, B (two copies), C and D. The seven copies do not include copies of the Exhibits.

Exhibit A consists of the confidential documents, and all the information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C consists of a justification table in support of FPL's Request for Confidential Classification. 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 Request for Confidential Classification only, in Microsoft Word format. Exhibit C is included on the disc in Excel Spreadsheet format.

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

COM _____
APA 3 + 1 CD
ECR 1
GCL 1
RAD 1
SRC _____
ADM _____
OPC _____
CLK 1

Sincerely,

Maria J. Moncada
Attorney for
Florida Power & Light Company

Enclosures
cc: parties of record, w/out exhibits

DOCUMENT NUMBER-DATE

07319 OCT-6 =

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Fuel and Purchase Power Cost Recovery)
Clause with Generating Performance)
Incentive Factor)
_____)

DOCKET NO. 110001-EI
Date Filed: October 6, 2011

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
MATERIALS PROVIDED PURSUANT TO AUDIT NO. 11-129-4-2**

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. 11-129-4-2 ("the Audit"). In support of this request, FPL states as follows:

1. During the Audit, FPL provided Staff with various confidential documents. By letter dated September 15, 2011, Staff indicated its intent to retain certain audit work papers. Pursuant to Rule 25-22.006(3)(a), FPL was given 21 days from the date of the letter to file a formal request for confidential classification with respect to the work papers. Accordingly, FPL files this Request for Confidential Classification to maintain continued confidential handling of the confidential work papers.

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

a. Exhibit A includes a copy the confidential documents, on which all information that is entitled to confidential treatment under Florida law has been highlighted.

b. Exhibit B consists of a copy of the confidential documents, on which all information that is entitled to confidential treatment under Florida law has been redacted.

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c. Exhibit C is a table that identifies the specific line and page references to the confidential materials for which FPL seeks confidential treatment. The table also references the specific statutory basis or bases for the claim of confidentiality and the affidavits in support of the requested classification.

d. Exhibit D includes the affidavits of H. Antonio Cuba, Antonio Maceo and Gerard J. Yupp.

3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3). This information is intended to be and is treated by FPL as private, and its confidentiality has been maintained. Pursuant to Section 366.093, 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 affidavits included in Exhibit D indicate, certain information provided by FPL contains information related to auditing controls and reports of internal auditing controls and reports of internal auditors or information relating to internal auditing reports issued in 2010 and external auditors or information relating to same, which the external auditors consider to be proprietary and confidential. This information is protected by Section 366.093(3)(b).

5. Some of the documents also contain information concerning bids or contractual data, the disclosure of which would prejudice FPL and its customers, and would impair FPL's efforts to enter into contracts on commercially favorable terms. Specifically, the information provided by FPL includes oil financial instruments, fuel status and inventory reports, contractual

data, and negotiated agreements for services of FPL facilities. This information also relates to FPL's competitive interest. Disclosure would reveal FPL's competitively sensitive procedures and impair the competitive business of the provider of the information. This information is protected from public disclosure pursuant to Section 366.093(3)(d) and (e).

6. Certain materials also contain information related to data pertinent to FPL's procurement activities and hedging program. The documents contain or constitute trade secrets of FPL, which allow FPL to hedge its fuel purchases on favorable terms for FPL and its customers. The disclosure of this trade secret information would provide other market participants insight into FPL's marketing and trading practices, as well as internal policy and procedure that would allow them, to anticipate FPL's marketing and trading decision, and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers. Such information is protected by Section 366.093(3)(a),(d) and (e).

7. Additionally, the documents or materials also contain or constitute information regarding physical and financial details related to FPL's annual hedging program for natural gas and fuel oil. The information contains monthly realized values for FPL's hedge positions and resulting impact on the cost of natural gas and fuel oil. The disclosure of this information would impair the efforts of FPL to contract for goods and services on favorable terms for the benefit of its customers, and would impair the competitive interests of FPL and its vendors. Disclosure of certain of the information would also place FPL at a competitive disadvantage when coupled with other information that is publicly available. This information is protected by Section 366.093(3)(d) and (e).

8. Also, the documents or materials contain the names of financial counterparties with which FPL executes heavy fuel oil hedging transactions. Due to the extremely limited

population of potential counterparties that participate in this market, the disclosure of this data would harm the competitive business of FPL and impair the efforts of the company to contract for hedging instruments on favorable terms. Specifically, the disclosure of the names of certain financial counterparties would reveal transaction frequency and volume between FPL and those financial counterparties. This would harm FPL's efforts to contract with those financial counterparties on favorable terms in the future, to the detriment of FPL and its customers. This information is protected by Section 366.093(3)(e).


9. 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), Fla. Stat. (2011).

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,

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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 6th day of October, 2011 to the following:

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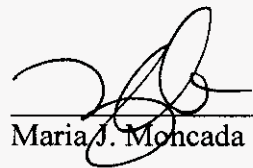
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