



Florida Power & Light Company, P. O. Box 14000, Juno Beach, FL 33408-0420  
Law Department

John T. Butler  
Managing Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 304-5639  
(561) 691-7135 (Facsimile)  
Email: John.Butler@fpl.com

RECEIVED-FPSC  
11 OCT 25 PM 1:38  
COMMISSION  
CLERK

October 25, 2011

**VIA HAND DELIVERY**

Ms. Ann Cole, Director  
Division of the Commission Clerk and  
Administrative Services  
Florida Public Service Commission  
Betty Easley Conference Center, Room 110  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

X  
07792-11

**Re: Florida Power & Light Company's Request for Confidential Classification of  
Certain Material Provided in Connection with the Monthly Fuel Filings  
Docket No. 110001-EI**

Dear Ms. Cole:

I enclose and hand you herewith for filing in the above-referenced matter, an original and seven (7) copies of Florida Power & Light Company's ("FPL") Request for Confidential Classification. The original includes Attachments A, B, and C.

Attachment A contains the confidential information that is the subject of FPL's Request for Confidential Classification. Attachment A is submitted for filing separately and marked "ATTACHMENT A - CONFIDENTIAL". Attachment B is an edited version of Attachment A, in which the information FPL asserts is confidential has been blocked out. Attachment C contains FPL's justification for its request for confidential classification.

In accordance with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information in Attachment A pending disposition of FPL's request for Confidential Classification.

Also included herewith is a computer diskette containing FPL's Request for Confidential Classification and Attachment C. The diskette is HD density, the operating system is Windows XP, and the processing software is Word. Please contact me should you or your Staff have any questions regarding this filing.

Sincerely,  
  
John T. Butler

COM \_\_\_\_\_  
APA 1  
ECR 3+1 CD containing request and exhibit c.  
GCL \_\_\_\_\_  
RAD \_\_\_\_\_  
SRC \_\_\_\_\_ JTB/jsb  
ADM \_\_\_\_\_ Enclosures  
OPC \_\_\_\_\_ ec: Service List (w/out attachments)  
CLK \_\_\_\_\_ Doc/423 Fuel Filing/August 2011

DOCUMENT NUMBER-DATE  
07791 OCT 25 =  
FPSC-COMMISSION CLERK

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

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

DOCKET NO. 110001-EI  
FILED: October 25, 2011

**REQUEST FOR CONFIDENTIAL CLASSIFICATION**

**NOW, BEFORE THIS COMMISSION**, through undersigned counsel, comes Florida Power & Light Company (“FPL”) and, pursuant to section 25-22.006 of the Florida Administrative Code and section 366.093 of the Florida Statutes, hereby requests confidential classification of certain information on Florida Public Service Commission (“FPSC” or “Commission”) Forms 423-1(a), 423-2, 423-2(a) and 423-2(b) for August/July 2011 submitted in Docket No. 110001-EI. In support of its Request, FPL states as follows:

1. Petitioner’s principal business address is as follows:

Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408

Orders, notices, or other pleadings related to this request should be served on:

Kenneth Hoffman  
Vice President Regulatory Support  
Florida Power & Light Company  
215 S. Monroe Street, Suite 810  
Tallahassee, FL 32301-1858  
(850) 521-3919  
(850) 521-3939 Fax  
Email: [Ken.Hoffman@fpl.com](mailto:Ken.Hoffman@fpl.com)

John T. Butler  
Managing Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 304-5639  
(561) 691-7135 Fax  
Email: [John.Butler@fpl.com](mailto:John.Butler@fpl.com)

2. The following attachments are included herewith and made a part hereof:
  - a. Attachment A includes the complete and unedited version of FPL's August, 2011 Form 423-1(a), St. Johns River Power Park's (SJRPP) August, 2011 Forms 423-2, 423-2(a) and 423-2(b) and R.W. Scherer's (Plant Scherer) July, 2011 Forms 423-2, 423-2(a) and 423-2(b) which contain certain information that FPL asserts should be accorded confidential treatment. The information in Attachment A for which FPL seeks confidential classification has been highlighted. Attachment A is submitted separately in a sealed envelope marked "**CONFIDENTIAL.**"
  - b. Attachment B is the edited version of Attachment A. All information that FPL asserts is entitled to confidential treatment has been redacted in Attachment B.
  - c. Attachment C identifies information for which confidential treatment is sought and, with regard to each item or type of information, contains a brief statement that explains the need for confidentiality and refers to the specific statutory basis or bases for the request.

3. Pursuant to section 366.093, FPL seeks confidential protection for the information highlighted in Attachment A. FPL submits that such information is proprietary confidential business information within the meaning of section 366.093(3). 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.

4. The statutory bases and support for FPL's assertion of confidentiality with regard to specific items or types of information are set forth in Attachment C. The information for which confidential classification is sought is intended to be and is treated by FPL as confidential and, to the best of FPL's knowledge and belief, has not been publicly disclosed.

5. Upon a finding by the Commission that the material in Attachment A for which FPL seeks confidential treatment is proprietary confidential business information within the meaning of section 366.093(3), pursuant to section 366.093(4) such materials should not be declassified for eighteen (18) months, or as otherwise extended by the Commission. Further, the materials should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business.

**WHEREFORE**, for the above and foregoing reasons, including those set forth in the supporting materials included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,



JOHN T. BUTLER  
Managing Attorney  
Florida Bar No. 283479  
Attorney for Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
Tel.: (561) 304-5639  
Fax: (561) 691-7135  
Email: [John.Butler@fpl.com](mailto:John.Butler@fpl.com)

## CERTIFICATE OF SERVICE

**I, THE UNDERSIGNED COUNSEL, HEREBY CERTIFY** that a copy of Florida Power & Light Company's Request for Confidential Classification, without attachments\*, has been served via hand delivery\*\* and/or first class mail, postage prepaid to the parties listed below, this 25th day of October, 2011:

Lisa Bennett, Esq.\*\*  
Jennifer Crawford, Esq.  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee, Florida 32399-0850  
lbennett@psc.state.fl.us  
jcrawford@PSC.STATE.FL.US

J. R. Kelly, Esq.  
Patricia Christensen, Esq.  
Charles Rehwinkel, Esq.  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399  
Kelly.jr@leg.state.fl.us  
Christensen.patty@leg.state.fl.us  
rehwinkle.charles@leg.state.fl.us

James D. Beasley, Esq.  
J. Jeffrey Wahlen, Esq.  
Ausley & McMullen  
Attorneys for Tampa Electric  
P.O. Box 391  
Tallahassee, Florida 32302  
jbeasley@ausley.com  
jwahlen@ausley.com

John T. Burnett, Esq./Diane M. Triplett, Esq.  
Progress Energy Service Company, LLC  
P.O. Box 14042  
St. Petersburg, Florida 33733-4042  
john.burnett@pgnmail.com  
diane.triplett@pgnmail.com

John W. McWhirter, Jr., Esq.  
McWhirter & Davidson, P.A.  
Attorneys for FIPUG  
P.O. Box 3350  
Tampa, Florida 33602  
jmcwhirter@mac-law.com

Beth Keating, Esq.  
Gunster Firm  
Attorneys for FPUC  
215 So. Monroe St., Suite 618  
Tallahassee, Florida 32301-1804  
bkeating@gunster.com

Jeffrey A. Stone, Esq.  
Russell A. Badders, Esq.  
Beggs & Lane  
Attorneys for Gulf Power  
501 Commendancia Street  
Pensacola, FL 32502  
jas@beggslane.com  
rab@beggslane.com

James W. Brew, Esq / F. Alvin Taylor, Esq.  
Attorney for White Springs  
Brickfield, Burchette, Ritts & Stone, P.C  
1025 Thomas Jefferson Street, NW  
Eighth Floor, West Tower  
Washington, DC 2007-5201  
jbrew@bbrslaw.com  
ataylor@bbrslaw.com

Robert Scheffel Wright, Esq.  
Jay T. LaVia, III, Esq.  
Young van Assenderp, P.A  
Attorneys for Florida Retail Federation and  
City of Marianna  
225 South Adams Street, Suite 200  
Tallahassee, FL 32301  
swright@yvlaw.net  
jlavia@yvlaw.net

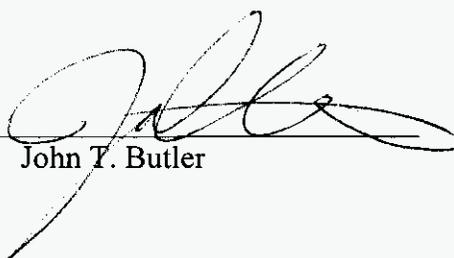
Jon C. Moyle, Esq. and Vicki Kaufman, Esq.  
Keefe, Anchors Gordon & Moyle, P.A.  
118 N. Gadsden St.  
Tallahassee, FL 32301  
Co-Counsel for FIPUG  
vkaufman@kagmlaw.com  
jmoyle@kagmlaw.com

Patrick K. Wiggins, Esq.  
AFFIRM  
P.O. Drawer 1657  
Tallahassee, FL 32302  
wigglaw@gmail.com

Michael Barrett, Esq.  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee, Florida 32399-0850  
MBARRETT@PSC.STATE.FL.US

Karen S. White, Esq.  
Staff Attorney  
AFLOA/JACL-ULT/FLOA/JACL-ULT  
139 Barnes Drive, Suite 1  
Tyndall AFB, FL 32403-5317  
Attorney for the Federal Executive Agencies  
Karen.White@tyndall.af.mil

By: \_\_\_\_\_



John T. Butler

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

**ATTACHMENT “A”**

**CONFIDENTIAL  
FILED UNDER SEPARATE COVER**

**FPL’S FPSC FORM 423-1(a)**

**SJRPP’S FPSC FORMS**

**423-2**

**423-2 (a)**

**423-2 (b)**

**R.W. SCHERER FPSC FORMS**

**423-2**

**423-2 (a)**

**423-2 (b)**