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March 1, 2012

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 01242-12, which
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RECEIVED FPSC
12 MAR - 1 PM 3:17
COMMISSION
CLERK

Re: Docket No. 120009-EI; Nuclear Power Plant Cost Recovery Clause

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") is a Request for Confidential Classification of Exhibits TOJ-1 and SDS-1. Seven copies of FPL's request, including Exhibits C and D, are included. Also included are one copy of Exhibit A and two copies of Exhibit B.

Exhibit A consists of the confidential documents, and all 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 FPL's justification table supporting its Request for Confidential Classification. Exhibit D contains two 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 and Exhibit C only in Microsoft Word format.

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

Sincerely,

Jessica A. Cano

Enclosures
cc: Parties of Record (w/out enc.)

COM
APA
ECR 3+cd
GCL
RAD
SRC
ADM
DPC
CLK

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

DOCUMENT NUMBER-DATE

01242 MAR-1 12

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant)
Cost Recovery Clause)

Docket No. 120009-EI
Filed: March 1, 2012

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF EXHIBITS TOJ-1 AND SDS-1**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of portions of Exhibits TOJ-1 to the pre-filed testimony of FPL witness Terry O. Jones and Exhibits SDS-1 to the pre-filed testimony of FPL witness Steven D. Scroggs. In support of its request, FPL states:

1. FPL is filing contemporaneously with this request the petition, testimony and exhibits in support of its Nuclear Power Plant Cost Recovery True-Up for the Period ending December 2011. Certain portions of Exhibits TOJ-1 and SDS-1 contain confidential contract payment amounts. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL is filing this Request for Confidential Classification.

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

a. Exhibit A consists of a copy of the confidential pages on which all information that FPL asserts is entitled to confidential treatment has been highlighted.

b. Exhibit B consists of a copy of the confidential pages on which all information that FPL asserts is entitled to confidential treatment has been redacted.

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

d. Exhibit D includes the affidavits of Bruce Beisler and Steven Scroggs in support of this request.

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. Section 366.093, Florida Statutes, defines confidential information as information that is intended to be and is treated by the company as private in that disclosure of the information would cause harm to the company's business operations or its customers, and has not been disclosed publicly. The confidential information is intended to be and has been treated by FPL as private, its confidentiality has been maintained, and its disclosure would cause harm to FPL and its customers. 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 affidavits included in Exhibit D indicate, the information provided by FPL contains contractual data, the public disclosure of which would violate nondisclosure provisions of FPL's contracts with certain vendors and impair FPL's ability to contract for goods or services on favorable terms in the future. Such information is protected by Section 366.093(3)(d), Florida Statutes. This information is also competitively sensitive, and its disclosure could impair the competitive business of FPL or its vendors. Such information is protected by Section 366.093(3)(e), Florida Statutes.

5. 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.

WHEREFORE, FPL respectfully requests confidential classification of the material described herein.

Respectfully submitted,

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

By: Jessica Cano
Jessica A. Cano
Fla. Bar No. 0037372

**CERTIFICATE OF SERVICE
DOCKET NO. 120009-EI**

I HEREBY CERTIFY that a true and correct copy of Request for Confidential Classification of Exhibit TOJ-1 and SDS-1 (without exhibits)* was served by hand delivery** or U.S. Mail this 1st day of March, 2012 to the following:

Keino Young, Esq.**
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Charles Rehwinkel, Esq.
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By: *Jessica Cano*
Jessica A. Cano
Fla. Bar No. 0037372

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

Exhibit C

Company: Florida Power and Light Company
Title: List of Confidential Documents Included in FPL's March 1, 2011 True-Up Filing
Docket No.: 120009-EI

Document	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093 (3) Subsection	Affiant
1	2011 Schedule T-7A Construction Costs and Carrying Costs On Construction Cost Balance, Extended Power Uprate (Exhibit TOJ-1)	7	Y	Page 1 Lines 1-24 Columns A-D Page 2 Lines 25-48 Columns A-D Page 3 Lines 49-72 Columns A-D Page 4 Lines 73-96 Columns A-D Page 5 Lines 97-120 Columns A-D Page 6 Lines 121-144 Columns A-D Page 7 Lines 145-158 Columns A-D	(d), (e)	Bruce Beisler
2	2011 Schedule T-7B Construction Costs and Carrying Costs On Construction Cost Balance, Extended Power Uprate (Exhibit TOJ-1)	78	Y	Pages 1-78 Line 1	(d), (e)	Bruce Beisler
3	2011 Schedule T-7A Pre-Construction Costs and Carrying Costs On Construction Cost Balance, New Nuclear (Exhibit SDS-1)	1	Y	Page 1 Lines 1-12 Columns A-D	(d), (e)	Steven D. Scroggs

Document	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093 (3) Subsection	Affiant
4	2011 Schedule T-7b Pre-Construction Costs and Carrying Costs On Construction Cost Balance, New Nuclear (Exhibit SDS-1)	8	Y	Pages 1-8 Line 1	(d), (e)	Steven D. Scroggs

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost)
Recovery Clause)

DOCKET NO. 120009-EI

STATE OF FLORIDA)
)
PALM BEACH COUNTY)

AFFIDAVIT OF BRUCE BEISLER

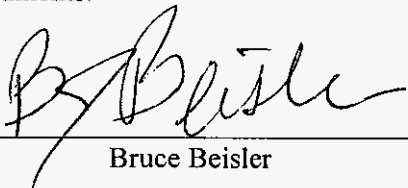
BEFORE ME, the undersigned authority, personally appeared Bruce Beisler who, being first duly sworn, deposes and says:

1. My name is Bruce Beisler. I am currently employed by Florida Power & Light Company ("FPL") as Project Manager - Nuclear. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C and the documents that are included in FPL's Request for Confidential Classification concerning information provided with its Petition for Approval of Nuclear Power Plant Cost Recovery True Up for the Period Ending December 2011, for which I am identified on Exhibit C as the affiant. The documents and materials that I have reviewed contain proprietary confidential business information, including information concerning bids or contractual data. Disclosure of this information would violate FPL's contracts with its vendors, work to the detriment of FPL's competitive interests, impair the competitive interests of its vendors and/or impair FPL's efforts to enter into contracts on commercially favorable terms. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

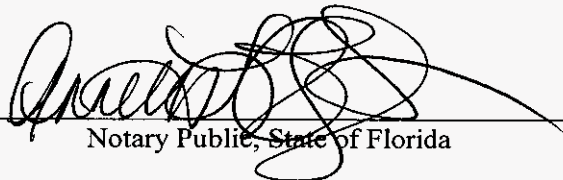
3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL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

4. Affiant says nothing further.



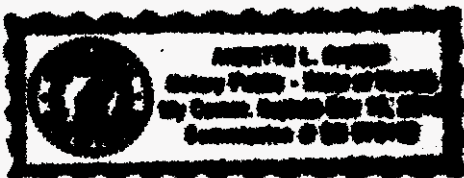
Bruce Beisler

SWORN TO AND SUBSCRIBED before me this 27 day of February 2012, by Bruce Beisler, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.



Notary Public, State of Florida

My Commission Expires:



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost)
Recovery Clause)

DOCKET NO. 120009-EI

STATE OF FLORIDA)
PALM BEACH COUNTY)

AFFIDAVIT OF STEVEN D. SCROGGS

BEFORE ME, the undersigned authority, personally appeared Steven D. Scroggs who, being first duly sworn, deposes and says:

1. My name is Steven D. Scroggs. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director, Project Development. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C and the documents that are included in FPL's Request for Confidential Classification concerning information provided with its Petition for Approval of Nuclear Power Plant Cost Recovery True Up for the Period Ending December 2011, for which I am identified on Exhibit C as the affiant. The documents and materials that I have reviewed contain proprietary confidential business information, including information concerning bids or contractual data. Disclosure of this information would violate FPL's contracts with its vendors, work to the detriment of FPL's competitive interests, impair the competitive interests of its vendors and/or impair FPL's efforts to enter into contracts on commercially favorable terms. 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.

Steven D. Scroggs

Steven D. Scroggs

SWORN TO AND SUBSCRIBED before me this 28 day of February 2012, by Steven D. Scroggs, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.

Annette L. Owens

Notary Public, State of Florida

My Commission Expires:

