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June 5, 2012

**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 03662-12, which  
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 COMMISSION  
 CLERK

Re: Docket No. 120001-EI  
 Request for Confidential Classification (Audit No. 12-013-4-1)

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Request for Confidential Classification of Materials Provided Pursuant to Audit No. 12-013-4-1. 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 five 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.

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 (ECL) 3+CD \_\_\_\_\_  
 GCL \_\_\_\_\_  
 RAD \_\_\_\_\_  
 SRC \_\_\_\_\_  
 ADM \_\_\_\_\_  
 OPC \_\_\_\_\_  
 CLK \_\_\_\_\_

Sincerely,  
  
 Maria J. Moncada  
 Attorney for  
 Florida Power & Light Company

Enclosures  
 cc: parties of record, w/out exhibits  
 Florida Power & Light Company  
 700 Universe Boulevard, Juno Beach, FL 33408

DOCUMENT NUMBER DATE  
 03661 JUN-5 12  
 FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

IN RE: Fuel and purchase power cost recovery  
clause with generating performance incentive  
factor

Docket No: 120001-EI  
Date: June 5, 2012

**FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF  
MATERIALS PROVIDED PURSUANT TO AUDIT NO. 12-013-4-1**

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. 12-013-4-1 ("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 May 17, 2012, 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 consists of 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.
  - 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 bases for confidentiality and the affiants who support the requested classification.

d. Exhibit D consists of the affidavits of Antonio Maceo, Pamela L. Metz, Damaris Rodriguez, Rodolfo Sanchez and Gerard 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 documents provided by FPL contain information related to internal auditing controls, reports or notes of internal auditors, or information relating to internal auditing reports issued in 2011. This information is protected by Section 366.093(3)(b). Also, certain documents contain information pertaining to FPL's security measures. Such information is protected by Section 366.093(3)(c).

5. Furthermore, some documents contain or constitute bids or other contractual data, such as pricing and other terms, the disclosure of which would impair FPL's efforts to contract for goods or services on favorable terms in the future. Such information is protected by Section 366.093(3)(d). Additionally, the documents contain information relating to competitive interests, the disclosure of which would impair the competitive business of FPL or the provider of the information. This information is protected by Section 366.093(3)(e).

6. Lastly, some documents provided by FPL contain information that identifies customer-specific account information, which if disclosed would impair FPL's competitive interests. It is FPL's corporate policy not to disclose customer-specific information. This 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 treats such information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer absent the customer's consent. This information is protected by Section 366.093(3)(e).

7. 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: \_\_\_\_\_

Maria J. Moncada  
Fla. Bar No. 0773301

**CERTIFICATE OF SERVICE**  
**Docket No. 120001-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification\* has been furnished by hand delivery \*\* or the United States Mail this 5<sup>th</sup> day of June, 2012 to the following:

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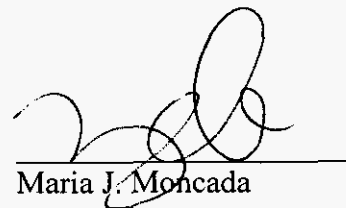
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\* The exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.