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REDACTED

August 20, 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 05418-12, which
is in locked storage. You must be
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COMMISSION
CLERK

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RECEIVED-FPSC

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 Supplemental Jones Testimony and Exhibit TOJ-28. Seven copies of FPL's request, including Exhibits B, C, and D, are included. Also included is one copy of Exhibit A.

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 there are any questions regarding this filing.

Sincerely,

Jessica Cano
Jessica A. Cano

COM
 AFD
 APA
 ECO
 ENG
 GCL
 IDM
 TEL
 CLK

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

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant)
Cost Recovery Clause)

Docket No. 120009-EI
Filed: August 20, 2012

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
SUPPLEMENTAL JONES TESTIMONY AND EXHIBIT TOJ-28**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain information included in the supplemental testimony of Terry Jones and Exhibit TOJ-28. In support of its request, FPL states as follows:

1. On August 1, 2012, FPL filed a Notice of Intent to Request Confidential Classification of the supplemental Jones testimony and Exhibit TOJ-28. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL has 21 days from the date of the Notice of Intent to file a formal request for confidential classification. Accordingly, FPL is filing this Request for Confidential Classification to maintain continued confidential handling of the information contained in the supplemental testimony and Exhibit TOJ-28.

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

a. Exhibit A includes a copy the confidential testimony and exhibit, 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 testimony and exhibit, on which all information that is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing the specific line, column and page references to the confidential information, and references to the specific statutory basis or

bases for the claim of confidentiality and to the affidavit in support of the requested confidential classification.

d. Exhibit D includes the affidavits of Bruce Beisler and Antonio Maceo in support of FPL's 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. This information is intended to be and is treated by FPL as private in that the disclosure of the information would cause harm to customers or FPL's business operations, and its confidentiality has been maintained. 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, some of information in the supplemental Jones testimony and Exhibit TOJ-28 is proprietary, confidential business information. The testimony contains information related to reports of internal auditors. This information is protected from public disclosure by Section 366.093(3)(b), Florida Statutes. Exhibit TOJ-28 contains information related to contractual data, such as pricing and other terms, the public disclosure of which would violate nondisclosure provisions of FPL's contract with its vendor and impair FPL's ability to contract for goods or services on favorable terms in the future. Such information is protected from public disclosure by Section 366.093(3)(d), Florida Statutes. This information is also competitively sensitive and, if disclosed, could impair the

competitive interests of the provider of the information. Such information is protected from public disclosure 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, 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,

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 FPL's Request for Confidential Classification of Supplemental Jones Testimony and Exhibit TOJ-28* was served via hand delivery** or U.S. mail this 20th day of August, 2012 to the following:

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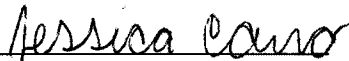
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By: 
Jessica A. Cano
Fla. Bar No. 0037372

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

EXHIBIT B

1 **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

2 **FLORIDA POWER & LIGHT COMPANY**

3 **SUPPLEMENTAL TESTIMONY OF TERRY O. JONES**

4 **DOCKET NO. 120009-EI**

5 **AUGUST 1, 2012**

6
7 **Q. Please state your name and business address.**

8 My name is Terry O. Jones, and my business address is 700 Universe Boulevard, Juno
9 Beach, FL 33408.

10 **Q. By whom are you employed and what is your position?**

11 A. I am employed with Florida Power & Light Company (FPL) as Vice President, Nuclear
12 Power Uprates.

13 **Q. Have you previously filed testimony in this docket?**

14 A. Yes. This is a supplement to my previously-filed testimony.

15 **Q. What is the purpose of this supplement to your testimony?**

16 A. This supplement provides the Florida Public Service Commission (Commission),
17 Commission Staff, and all parties to this docket with an update on three matters occurring
18 after the filing of my July 9 rebuttal testimony: (i) FPL has negotiated an agreement with
19 Siemens related to FPL's costs for the St. Lucie Unit 2 stator core repair work incurred in
20 2011; (ii) FPL has completed and placed into service St. Lucie Unit 1 in uprate condition
21 with excellent results; and (iii) FPL has completed several internal audits previously in
22 process.

23 **Q. Are you sponsoring any supplemental exhibits to this testimony?**

1 A. Yes. I am sponsoring the following exhibits, which are attached to my supplemental
2 testimony:

- 3 • TOJ-28, Confidential Agreement
- 4 • TOJ-29, St. Lucie Unit 1 LAR Approval.

5 **Q. Please provide the update related to FPL's costs for the St. Lucie Unit 2 repair work**
6 **incurred in 2011.**

7 A. Negotiations with Siemens that were in process at the time the Commission Audit Staff
8 issued their report on June 19, 2012, have since been concluded. FPL and Siemens
9 reached a commercial resolution which FPL believes should satisfactorily address
10 considerations raised by the Audit Staff in their report. The specific terms of the
11 resolution are contained in Exhibit TOJ-28, which is the confidential agreement FPL
12 recently entered into with Siemens. This will reduce the cost of the EPU project by
13 substantially more than the repair costs FPL incurred. FPL maintains its position that it
14 prudently managed the generator activities.

15 **Q. Please describe the completion of the St. Lucie Unit 1 EPU.**

16 A. A short outage was completed on July 25, 2012, to complete implementation of the St.
17 Lucie Unit 1 EPU. At the date of this supplemental testimony, the unit is operating at full
18 uprated power. The EPU work increased the capacity of St. Lucie Unit 1 by
19 approximately 144 megawatts – which is about 12 percent more megawatts than FPL's
20 early 2012 estimate of approximately 129 megawatts used in FPL's 2012 feasibility
21 analysis. The official increase in power will be determined after performance testing in
22 late August. The final implementation work was performed after the Nuclear Regulatory
23 Commission (NRC) approved FPL's License Amendment Request (LAR) for the St.

1 Lucie Unit 1 EPU on July 9, 2012. The NRC's cover letter transmitting the St. Lucie
2 Unit 1 EPU LAR approval is attached as Exhibit TOJ-29.

3 **Q. Based on the performance of the first unit, is FPL expecting similar results on the**
4 **remaining three units?**

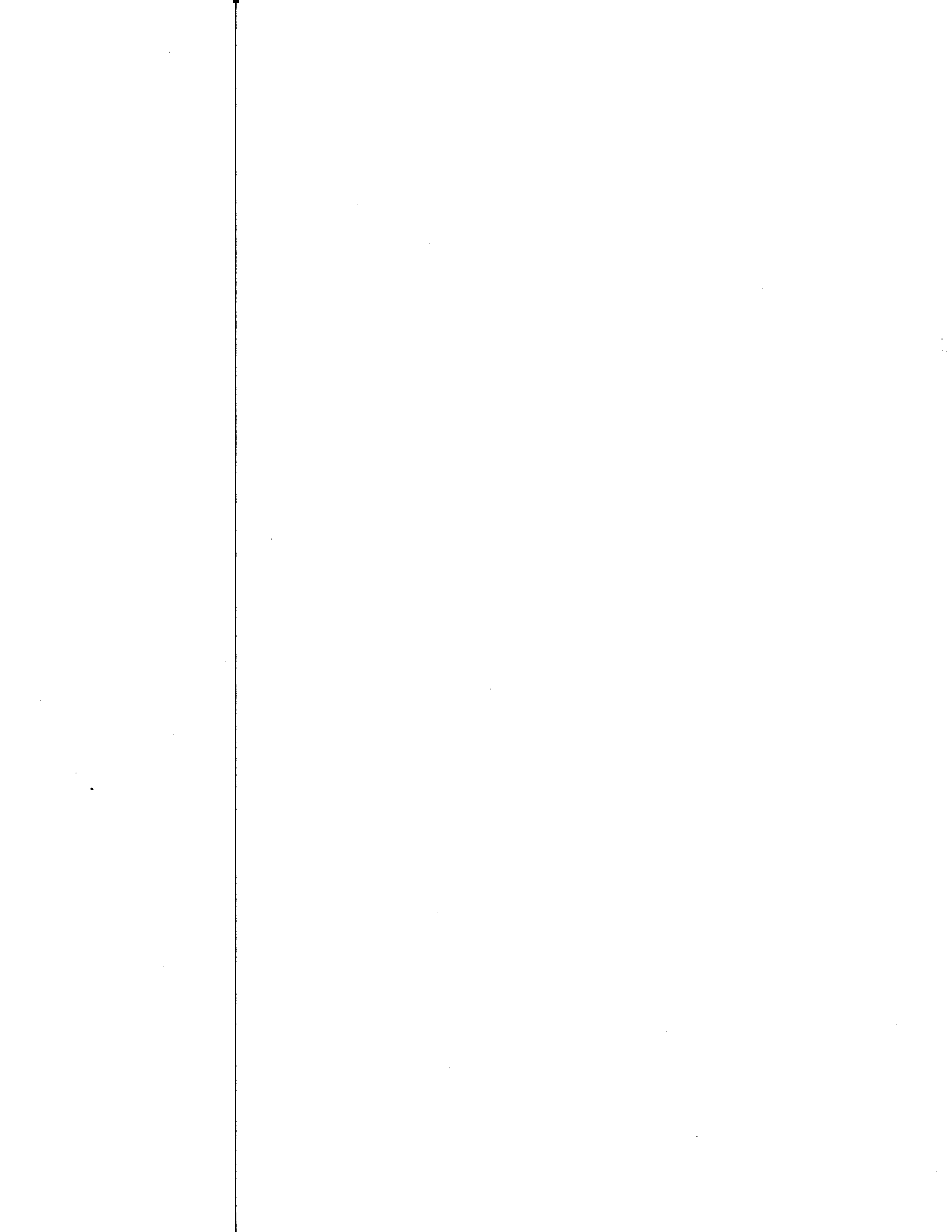
5 Yes. In total, the EPU project is likely to add approximately 522 to 532 megawatts, as
6 compared to the 490 megawatts previously estimated. The final Turkey Point Unit 3
7 EPU outage is almost complete and FPL expects approximately 125.5-130.5 megawatts.
8 FPL expects St. Lucie Unit 2 to provide approximately 127 megawatts, which is 12
9 megawatts more than previously estimated, upon completion of the EPU outage that
10 begins August 5, 2012. The final Turkey Point Unit 4 EPU outage scheduled to begin in
11 November 2012 is also expected to produce approximately 125.5-130.5 megawatts.

12 **Q. Please provide the update on internal audit activities.**

13 A. The Commission Audit Staff's June 19, 2012 report listed complete and pending EPU
14 internal and external audits and investigations for 2012. Since that time, three of the
15 previously pending audits or investigations have been completed. The EPC Contract
16 Audit conducted by Experis had [REDACTED]. The [REDACTED]
17 investigation conducted by Internal Audit [REDACTED]
18 [REDACTED]. The [REDACTED] investigation [REDACTED]
19 [REDACTED] by the Company. Ineligible costs, if any,
20 would be corrected in the 2013 Nuclear Cost Recovery filing.

21 **Q. Does that complete the supplement to your testimony?**

22 A. Yes.



REDACTED

TOJ-28 Confidential Agreement
Pages 1-10

EXHIBIT C

Exhibit C
Florida Power and Light Company
Supplemental Jones Testimony and Exhibit TOJ-28
Docket No. 120009-EI

Document	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093 (3) Subsection	Affiant
Supplemental Testimony	3	N Y	Pages 1-2 Page 3 Lines 16-19	(b)	Antonio Maceo
Exhibit TOJ-28, Confidential Agreement	10	Y	ALL	(d), (e)	Bruce Beisler

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 of Supplemental Jones Testimony and Exhibit TOJ-28, 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 contractual data. Disclosure of this information would violate FPL's contract with its vendor, work to the detriment of FPL's competitive interests, impair the competitive interests of its vendor 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.

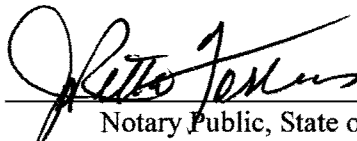
3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL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

4. Affiant says nothing further.



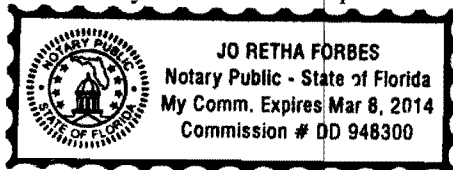
Bruce Beisler

SWORN TO AND SUBSCRIBED before me this 17th day of August 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)
MIAMI-DADE COUNTY)

AFFIDAVIT OF ANTONIO MACEO

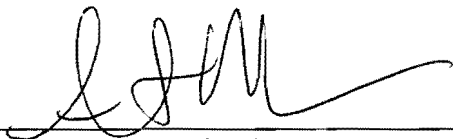
BEFORE ME, the undersigned authority, personally appeared Antonio Maceo who, being first duly sworn, deposes and says:

1. My name is Antonio Maceo. I am currently employed by Florida Power & Light Company ("FPL") as Manager of Auditing. I have personal knowledge of the matters stated in this affidavit.

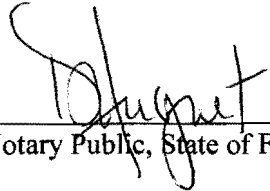
2. I have reviewed Exhibit C and the documents that are included in FPL's Request for Confidential Classification of Supplemental Jones Testimony and Exhibit TOJ-28, for which I am identified on Exhibit C as the affiant. The documents or materials that I have reviewed contain information related to reports of internal auditors. Full and frank disclosure of information to the Internal Auditing department is essential for the department to fulfill its role, and the confidential status of internal auditing process, findings, and reports supports such disclosure. The release of information related to reports of internal auditors would be harmful to FPL and its customers because it may affect the effectiveness of the Internal Auditing Department itself. 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.


Antonio Maceo

SWORN TO AND SUBSCRIBED before me this 17th day of August 2012, by Antonio Maceo 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:

