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September 6, 2012

**-VIA HAND DELIVERY -**

Ms. Ann Cole  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

claim of confidentiality  
 notice of intent  
 request for confidentiality  
 filed by OPC

For DN 06038-12 which  
is in locked storage. You must be  
authorized to view this DN.-CLK

RECEIVED-FPSC  
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COMMISSION  
CLERK

**Re: Docket No. 120002-EG  
Energy Conservation Cost Recovery Clause**

Dear Ms. Cole:

On May 2, 2012 Florida Power & Light Company ("FPL") filed the enclosed Request for Confidential Classification of portions of Schedule CT-6 to Exhibit AS-1. I was recently advised by Senior Attorney Tan that the clerk's file apparently does not include a copy of Exhibit A. As a result, I am enclosing an original, highlighted copy of Exhibit A which contains the confidential information for which FPL seeks confidentiality.

If there are any questions regarding this transmittal, please contact me at 561-691-2512

Sincerely,

Kenneth M. Rubin

Enclosures

cc: Lee Eng Tan, Senior Attorney  
Parties of record w/out enclosure

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AFD \_\_\_\_\_  
APA \_\_\_\_\_  
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Energy Conservation Cost Recovery Clause )

Docket No. 120002-EG

Filed: May 2, 2012

COMMISSION CLERK

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claim of confidentiality )
notice of intent )
X request for confidentiality )
filed by OPC )

FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION

For DN 02798-12 which is in locked storage. Pursuant to Florida Administrative Code Rule 25-22.006 and Section 366.093, Florida Statutes, Florida Power & Light Company ("FPL") requests confidential classification of

portions of Schedule CT-6 to Exhibit AS-1 filed on this date with the Commission in Docket No. 120002-EG. FPL respectfully requests that the Commission grant FPL's request for confidential classification for the confidential information identified in Schedule CT-6 for the period of time identified in Section 366.093(4), Florida Statutes, or for such additional time as the Commission may deem appropriate. FPL further requests that if Schedule CT-6 to Exhibit AS-1 is not admitted into the record in this proceeding that said Schedule CT-6 to Exhibit AS-1 be returned to FPL after the close of this proceeding. As grounds for this request, FPL states:

1. FPL includes in its true-up filing cost-effectiveness runs performed for specific customers who qualified for incentives under FPL's Commercial/Industrial Business Custom Incentives ("C/I BCI") Program. This information is included as part of Schedule CT-6 of Exhibit AS-1, the exhibit attached to the Testimony of FPL Witness Anita Sharma. The inclusion of customer specific cost-effectiveness runs in FPL's ECCR true-up filing is consistent with and is filed in accordance with the requirements of Order No. PSC-93-0472-FOF-EG.

2. A portion of the information FPL has been required to file in Schedule CT-6 to Exhibit AS-1 to comply with Rule 25-17.015(5) constitutes proprietary confidential business information, as is more fully described below.

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02797 MAY-2 2012

FPSC-COMMISSION CLERK

3. The information in Schedule CT-6 to Exhibit AS-1 for which FPL seeks confidential classification is customer-specific information which relates to names of customers. FPL adheres to a corporate policy which, in the absence of a subpoena, Commission or Court Order, or other similar directive, prohibits the release or disclosure of customer-specific information without the consent of the customer. This policy is consistent with prior Commission decisions on this issue involving the treatment of customer specific information and data. The FPL customers identified in Schedule CT-6 to Exhibit AS-1 referred to herein have not consented to the release of their customer-specific information. In addition, the information for which FPL seeks confidential classification is confidential and proprietary to the customers, the release of which would or could harm the customers' business operations. This information may, in some instances, constitute trade secrets to the customers, and is certainly information relating to the customers' competitive interests, the disclosure of which would or might impair the competitive business of the customers.

4. Additionally, FPL affirmatively alleges that the information for which confidential classification is sought is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes, as it is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public.

5. Information of this nature is proprietary confidential business information within the meaning of Section 366.093(3)(e), Florida Statutes. The Commission has previously determined that the type of information for which FPL seeks protection is proprietary

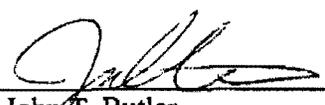
confidential business information. *See, e.g.*, Order No. PSC 11-0316-CFO-EG. As a result, FPL seeks confidential classification of the specified information identified on Schedule CT-6 to Exhibit AS-1 for the period of time identified in Section 366.093(4), Florida Statutes, or for such additional time as the Commission may deem appropriate.

6. To satisfy the requirements of Rule 25-17.006, FPL has prepared four attachments to this request. Attachment A is a copy of Schedule CT-6 to Exhibit AS-1 which has all the confidential information highlighted. Attachment B is a copy of Schedule CT-6 to Exhibit AS-1 with the confidential information redacted. Attachment C is a line-by-line justification of the confidential status of the confidential information in Schedule CT-6 to Exhibit AS-1. Attachment D is the affidavit of Anita Sharma explaining why the information FPL seeks to prevent from disclosure is confidential. Only the original copy of this request includes Attachments A through D.

WHEREFORE, FPL respectfully moves that the Commission: (a) rule that the information identified by FPL as confidential in Schedule CT-6 to Exhibit AS-1 filed on May 2, 2012, be afforded confidential classification and treatment by the Commission and be exempt from disclosure for the designated time frame, and (b) rule that the confidential information in Schedule CT-6 be returned to FPL after the close of this proceeding if not admitted into the record.

Respectfully submitted,  
John T. Butler  
Assistant General Counsel – Regulatory  
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Juno Beach, FL 33408  
(561) 304-5639 Telephone  
(561) 691-7135 Facsimile

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

  
John T. Butler  
Florida Bar No. 283479

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification (\*) has been furnished by hand delivery (\*\*) or by U.S. Mail this 2<sup>nd</sup> day of May, 2012 to the following:

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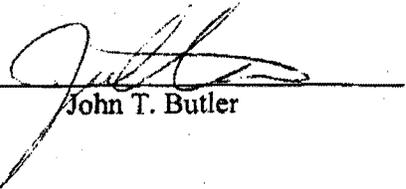
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By: \_\_\_\_\_

  
John T. Butler

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

**EXHIBIT A**

**CONFIDENTIAL**

**FILED UNDER SEPARATE COVER**

**EXHIBIT B**

**REDACTED COPIES**