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October 12, 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
 X request for confidentiality
 filed by OPC

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 COMMISSION
 CLERK

Re: Docket No. 120001-EI
 Request for Confidential Classification (Audit No. 12-130-4-1)

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. 12-130-4-1. 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 of 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 that 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 an affidavit 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 in Microsoft Word format.

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

- COM
- AED 2+CD
- APA
- ECO
- ENG
- GCL
- IDM
- TEL
- 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
 06940 OCT 12 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: October 12, 2012

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
MATERIALS PROVIDED PURSUANT TO AUDIT NO. 12-130-4-1**

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. 12-130-4-1 ("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 September 21, 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 the information that is entitled to confidential treatment under Florida law has been redacted (for the attachments in which the entire attachment is confidential, FPL has included only identifying cover pages in Exhibit B).

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 affidavit of 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 affidavit included in Exhibit D indicates, certain documents provided by FPL contain proprietary confidential business information or data pertinent to FPL's procurement activities and hedging program. The documents contain or constitute trade secrets of FPL, which allow FPL to hedge its fuel purchases on favorable terms for FPL and its customers. This information is protected by Section 366.093(3)(a), Fla. Stat.

5. Additionally, certain documents contain information regarding physical and financial details related to FPL's annual hedging program for natural gas and fuel oil. The disclosure of this information would impair the efforts of FPL to contract for goods and services on favorable terms for the benefit of its customers. This information is protected by Section 366.093(3)(d), Fla. Stat.

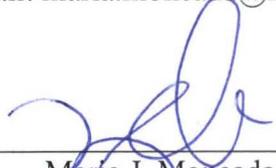
6. Last, some of the documents or materials contain the names of financial counterparties with which FPL executes heavy fuel oil hedging transactions. The disclosure of this data would harm the competitive business of FPL and impair the efforts of the company to contract for hedging instruments on favorable terms. Such information is protected by Section 366.093(3)(e), Fla. Stat.

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 12th day of October, 2012 to the following:

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By: 

Maria J. Moncada

* The exhibits to this Request 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