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October 25, 2012

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 COMMISSION
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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 07269-12, which
 is in locked storage. You must be
 authorized to view this DN.-CLK

Re: Docket No. 120001-EI

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 Information Provided in Response to Staff's Third Request for Production of Documents No. 3 and Eighth Set of Interrogatories Nos. 58, 61 and 62. The original includes Exhibits A through D. The seven copies do not include copies of the Exhibits.

Exhibit A consists of the confidential document, and 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 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,

for Maria J. Moncada

COM _____
 AFD 2+cd
 APA _____
 ECO _____
 ENG _____
 GCL _____ Enclosures
 IDM _____ cc: parties of record, w/out exhibits
 TEL _____
 CLK _____

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchase power cost recovery
clause with generating performance incentive
factor

Docket No. 120001-EI

October 25, 2012

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
INFORMATION PROVIDED IN RESPONSE TO STAFF'S THIRD
REQUEST FOR PRODUCTION OF DOCUMENTS (NO. 3) AND
STAFF'S EIGHTH SET OF INTERROGATORIES (NOS. 58, 61 AND 62)**

Florida Power & Light Company ("FPL"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, requests confidential classification of certain information provided in response to Staff's Third Request for Production of Documents (No. 3) and Eighth Set of Interrogatories (Nos. 58, 61 and 62) (the "Confidential Discovery Responses") which were served by Staff on September 14, 2012 and September 21, 2012, respectively. In support of its Request, FPL states as follows:

1. On October 4, 2012, FPL filed a Notice of Intent to Request Confidential Classification regarding its response to Staff's Third Request for Production of Documents (No. 3). On October 16, 2012, FPL filed a Notice of Intent to Request Confidential Classification regarding its response to Staff's Eighth Set of Interrogatories (Nos. 58, 61 and 62). 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 its response to Staff's Third Request for Production of Documents (No. 3) and Staff's Eighth Set of Interrogatories (Nos. 58, 61 and 62) filed with the Notice of Intent.

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

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

DOCUMENT NUMBER-DATE

07268 OCT 25 12

FPSC-COMMISSION CLERK

b. Exhibit B consists of an edited version of Exhibit A, 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 for the claim of confidentiality and to the affiant who supports the requested classification.

d. Exhibit D consists of the affidavits of Gerard J. Yupp and David Storck.

3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), F.S. This information in Exhibit A is intended to be and is treated by FPL as private, and its confidentiality has been maintained. Pursuant to Section 366.093, F.S., 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, the information provided by FPL concerns bids and other contractual data, which is protected under Section 366.093(3)(d), F.S. Specifically, the document contains information regarding FPL's coal suppliers and purchase volumes. The public disclosure of this information would impair the efforts of FPL to contract for goods or services on favorable terms. The disclosure of this information would also place FPL at a competitive disadvantage when coupled with other information that is publicly available, which is protected under Section 366.093(3)(e).

5. Also, certain information relates to 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), Fla. Stat.

6. Upon a finding by the Commission that the Confidential Discovery Response information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), F.S., pursuant to Section 366.093(4), F.S., such materials should not be declassified for 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.

WHEREFORE, FPL respectfully requests confidential classification of Staff's Third Request for Production of Documents (Nos. 3) and Staff's Eighth Set of Interrogatories (Nos. 58, 61 and 62) described herein.

Respectfully submitted this 25th day of October, 2012.

Respectfully submitted,

John T. Butler, Esq.
Assistant General Counsel-Regulatory
Maria J. Moncada, Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5795
Facsimile: (561) 691-7135

By: _____

for


Maria J. Moncada
Florida 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 of information provided in response to Staff's Third Request for Production of Documents (No. 3) and Eighth Set of Interrogatories (Nos. 58, 61 and 62)(*) has been furnished by hand delivery(**) or United States mail this 25th day of October, 2012 to the following:

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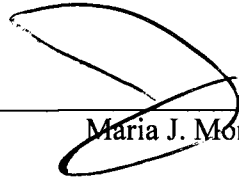
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111 West Madison Street, Room 812
Tallahassee, Florida 32399

Michael Barrett
Division of Economic Regulation
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, Florida 32399-0850

By: 
for 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

EXHIBIT B

REDACTED COPIES