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January 28, 2013

**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  
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Re: Docket No. 130002-EG  
 Request for Confidential Classification (Audit No. 06-040-4-1)

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Third Request for Extension of Confidential Classification of Information Provided Pursuant to Audit No. 06-040-4-1. The original includes Second Revised Exhibit A and Second Revised Exhibit B (two copies), together with Third Revised Exhibit C and Third Revised Exhibit D. The seven copies do not include copies of the Exhibits.

Second Revised Exhibit A consists of the confidential documents, and all the information that FPL asserts is entitled to confidential treatment has been highlighted. Second Revised Exhibit B is an edited version of Second Revised Exhibit A, in which the information FPL asserts is confidential has been redacted. Third Revised Exhibit C is a justification table in support of FPL's Third Request for Extension of Confidential Classification. Third Revised Exhibit D contains one affidavit in support of FPL's Third Request for Extension of Confidential Classification. Also included in this filing is a compact disc containing FPL's Third Request for Extension of Confidential Classification and Third Revised Exhibit C, in Microsoft Word format.

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

COM  
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 APA  
 SCO 3+0  
 ENG  
 GCL  
 IDM  
 TEL  
 CLK

Sincerely,

Maria J. Moncada

Enclosures  
 cc: parties of record, w/out exhibits

Florida Power & Light Company  
 700 Universe Boulevard, Juno Beach, FL 33408

DOCUMENT NUMBER-DATE  
 00493 JAN 28 2013  
 FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

IN RE: Energy Conservation Cost Recovery  
Clause

Docket No: 130002-EG  
Date: January 28, 2013

**FLORIDA POWER AND LIGHT COMPANY'S THIRD REQUEST  
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION  
OF INFORMATION PROVIDED PURSUANT TO AUDIT NO. 06-040-4-1**

Pursuant to Section 366.093, Florida Statutes (2012) ("Section 366.093"), and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby submits its Third Request for Extension of Confidential Classification of Information Provided Pursuant to Audit No. 06-040-4-1 ("Confidential Information"). In support of this request, FPL states as follows:

1. On July 12, 2006 FPL filed a Request for Confidential Classification of the Confidential Information, which included Exhibits A, B, C, and D ("July 12, 2006 Request"). By Order No. PSC-07-0169-CFO-EG, dated February 23, 2007 ("Order 0169"), the Commission granted FPL's July 12, 2006 Request. FPL adopts and incorporates by reference the July 12, 2006 Request and Order 0169.

2. By Order No. PSC-09-0191-CFO-EG, dated March 27, 2009, the Commission granted FPL's First Request for Extension of Confidential Classification.

3. On September 27, 2010 FPL filed a Second Request for Extension of Confidential Classification of the Confidential Information, which included Revised Exhibit A, Revised Exhibit B, Second Revised Exhibit C and Second Revised Exhibit D ("September 27, 2010 Request"). By Order No. PSC-11-0318-CFO-EG, dated July 28, 2011 ("Order 0318"), the



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Commission granted FPL's September 27, 2010 Request. FPL adopts and incorporates by reference the September 27, 2010 Request and Order 0318.

4. The period of confidential treatment granted by Order 0318 will soon expire. Some of the Confidential Information that was the subject of FPL's September 27, 2010 Request and Order 0318 warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3). Accordingly, FPL hereby submits its Third Request for Extension of Confidential Classification.

5. Included herewith and made a part hereof are Second Revised Exhibits A and B together with Third Revised Exhibit C to reduce the number of pages for which confidential treatment is sought. Also included is Third Revised Exhibit D.

6. Third Revised Exhibit D contains the affidavit of Anita Sharma in support of this request. FPL has determined that only some of the information, which was confidential at the time of the September 27, 2010 request, warrants continued confidential treatment.

7. Second Revised Exhibits A and B consist of highlighted and redacted copies of the specific working papers where FPL has determined that a portion of the information previously designated as confidential requires continued confidential treatment. Where entire pages of a workpaper are confidential, FPL has included only identifying cover pages in Exhibit B.

8. The Confidential Information is intended to be and has been treated by FPL as private, its confidentiality has been maintained, and its disclosure would cause harm to FPL and its customers. Pursuant to Section 366.093, such materials are entitled to confidential treatment

and are 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.

9. As the affidavit included in Third Revised Exhibit D indicates, the Confidential Information includes proprietary information of FPL concerning the competitive interest of FPL or third parties, the disclosure of which would impair the competitive business of the provider of the information. Such information is protected by Section 366.093(3)(e).

10. Certain documents contain information that 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, and 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 pursuant to Section 366.093(3)(e).

11. Additionally, some documents include competitively sensitive information related to certain employees' compensation. Public disclosure of compensation information would enable competing employers to meet or beat the compensation currently offered, resulting in the loss of talented employees, or conversely, the need to increase the level of compensation already paid in order to retain these employees and attract new talent. The quality of service and the cost

of service implications would be detrimental to FPL and its customers. Such information is protected by Section 366.093(3)(e), Florida Statutes.

12. Upon a finding by the Commission that the Confidential Information remains proprietary and confidential business information, the information should not be declassified for at least an additional eighteen (18) month period and should be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. *See* § 366.093(4), Fla. Stat. (2012).

**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 Third Request for Extension of Confidential Classification be granted.

Respectfully submitted,

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By:

  
\_\_\_\_\_  
Maria J. Moncada  
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**CERTIFICATE OF SERVICE**  
**Docket No. 130002-EG**

I HEREBY CERTIFY that a true and correct copy of the foregoing Second Request for Confidential Classification(\*) was served by hand delivery(\*\*) or by U.S. Mail this 28th day of January, 2013 to the following:

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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.

**SECOND REVISED  
EXHIBIT A**

**CONFIDENTIAL  
FILED UNDER SEPARATE COVER**

**AUDIT NO. 06-060-4-1**