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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  
 For DN 00504-13, which  
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Re: Docket No. 130002-EG  
 Request for Confidential Classification (Audit No. 02-064-4-1)

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Fifth Request for Extension of Confidential Classification of Information Provided Pursuant to Audit No. 02-064-4-1. The original includes Third Revised Exhibits A, B (two copies), C and D. The seven copies do not include copies of the Exhibits.

Third Revised Exhibit A consists of the confidential documents, and all the information that FPL asserts is entitled to confidential treatment has been highlighted. Third Revised Exhibit B is an edited version of Third 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 Fifth Request for Extension of Confidential Classification. Third Revised Exhibit D contains one affidavit in support of FPL's Fifth Request for Extension of Confidential Classification. Also included in this filing is a compact disc containing FPL's Fifth 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  
 AFD  
 APA  
 ECO 3+D  
 ENG  
 GCL  
 IDM  
 TEL  
 CLK

Sincerely,

Maria J. Moncada

Enclosures  
 cc: parties of record, w/out exhibits

**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 FIFTH REQUEST  
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION  
OF INFORMATION PROVIDED PURSUANT TO AUDIT NO. 02-064-4-1**

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 Fifth Request for Extension of Confidential Classification of Information Provided Pursuant to Audit No. 02-064-4-1 ("Confidential Information"). In support of this request, FPL states as follows:

1. On July 30, 2002 FPL filed a Request for Confidential Classification of the Confidential Information, which included Exhibits A, B, C, and D ("July 30, 2002 Request"). On October 10, 2002, FPL revised its July 30, 2002 Request and filed Revised Exhibits A, B and C ("October 10, 2002 Amended Request"). By Order No. PSC-02-1493-CFO-EG, dated October 31, 2002 ("Order 1493"), the Commission granted FPL's July 30, 2002 Request. FPL adopts and incorporates by reference the July 30, 2002 Request, the October 10, 2002 Amended Request, and Order 1493.

2. By Order No. PSC-04-0841-CFO-EG, dated August 27, 2004, the Commission granted FPL's First Request for Extension of Confidential Classification.

3. By Order No. PSC-06-0558-CFO-EG, dated June 29, 2006, the Commission granted FPL's Second Request for Extension of Confidential Classification.

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DOCUMENT NUMBER - DATE

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4. By Order No. PSC-09-0192-CFO-EG, dated March 27, 2009, the Commission granted FPL's Third Request for Extension of Confidential Classification.

5. On September 27, 2010 FPL filed a Fourth Request for Extension of Confidential Classification of the Confidential Information, which included Second Revised Exhibits A, B, C and D ("September 27, 2010 Request"). By Order No. PSC-11-0322-CFO-EG, dated July 28, 2011 ("Order 0322"), the Commission granted FPL's September 27, 2010 Request. FPL adopts and incorporates by reference the September 27, 2010 Request and Order 0322.

6. The period of confidential treatment granted by Order 0322 will soon expire. Some of the Confidential Information that was the subject of FPL's September 27, 2010 Request and Order 0322 warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3). Accordingly, FPL hereby submits its Fourth Request for Extension of Confidential Classification.

7. Included herewith and made a part hereof are Third 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.

8. 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 April 8, 2011 request, warrants continued confidential treatment.

9. Third 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.

10. 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.

11. 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).

12. 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).

13. 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 Fifth Request for Extension of Confidential Classification be granted.

Respectfully submitted,

John T. Butler  
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By:



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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.

**THIRD REVISED  
EXHIBIT "A"**

**CONFIDENTIAL  
FILED UNDER SEPARATE COVER**

**AUDIT NO. 02-064-4-1**