



Jessica Cano
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May 20, 2013

VIA HAND DELIVERY

Ms. Ann Cole
Division of the Commission Clerk and
Administrative Services
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~~

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RECEIVED-FPSC
13 MAY 20 PM 1:39
COMMISSION
CLERK

Re: Docket No. 130000; Review of Administrative Efficiency of Utility Demand
Side Management Programs

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") is a
Request for Confidential Classification of Audit PA-12-10-005 Work Papers. Seven
copies of FPL's request, including Exhibits C and D, are included. Also included are one
copy of Exhibit A and two copies of Exhibit B.

Exhibit A consists of the confidential documents, and all 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,

Jessica A. Cano

COM _____
AFD _____
APA _____
ECO _____
 ENG 4+CD
GCL _____
IDM _____
TEL _____
CLK _____

Enclosures
cc: Office of General Counsel

Florida Power & Light Company

700 Universe Boulevard, Juno Beach, FL 33408

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Administrative Efficiency)
Of Utility Demand Side Management Programs)

Docket No. 130000
Filed: May 20, 2013

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF AUDIT PA-12-10-005 WORK PAPERS**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain information provided to the Staff of the Florida Public Service Commission ("Staff") in its Review of Administrative Efficiency of Utility Demand Side Management Programs (Audit PA-12-10-005). In support of its request, FPL states as follows:

1. During the Audit, Staff was provided with various confidential documents. On April 29, 2013, Staff indicated its intent to retain certain audit work papers. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, 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 is filing 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 includes a copy the confidential documents, in 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, in which all information that is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing the specific line, column and page references to the confidential information, and references to the specific statutory basis or bases for the claim of confidentiality and to the affidavit in support of the requested confidential classification.

DOCUMENT NUMBER - DATE

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FPSC-COMMISSION CLERK

d. Exhibit D includes the affidavits of Antonio Maceo and Ian Robson in support of FPL's request.

3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. This information is intended to be and is treated by FPL as private in that the disclosure of the information would cause harm to customers or FPL's business operations, and its confidentiality has been maintained. Pursuant to Section 366.093, such information is entitled to confidential treatment and it 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, certain information contained in the work papers is information related to controls and reports of internal auditors. This information is protected by Section 366.093(3)(b), Florida Statutes. The work papers also contain information related to bids or contractual data, such as pricing or other terms, the public disclosure of which would violate nondisclosure provisions of FPL's contract with its vendor and impair FPL's ability to contract for goods or services on favorable terms in the future. Such information is protected from public disclosure by Section 366.093(3)(d), Florida Statutes. This information is also competitively sensitive information which, if disclosed, could impair the competitive interests of the provider of the information. Such information is protected from public disclosure by Section 366.093(3)(e), Florida Statutes.

5. 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.

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,

Jessica A. Cano, Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5226
Facsimile: (561) 691-7135

By:

Jessica Cano
Jessica A. Cano
Fla. Bar No. 0037372

**CERTIFICATE OF SERVICE
DOCKET NO. 130000**

I HEREBY CERTIFY that a true and correct copy of FPL's Request for Confidential Classification of Audit Work Papers* was served via hand delivery this 20th day of May, 2013 to the following:

Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

By:

Jessica Cano
Jessica A. Cano
Fla. Bar No. 0037372

* 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