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June 17, 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

For DN 03378-13, which  
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RECEIVED-FPSC  
13 JUN 17 PM 3:19  
COMMISSION  
CLERK

Re: Docket No. 130009-EI; Nuclear Power Plant Cost Recovery Clause

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") is a Request for Confidential Classification of Audit Report PA-13-01-001. 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 three affidavits in support of FPL's Request for Confidential Classification. (Please note that this filing includes a copy of Terry Jones's affidavit. The original will be transmitted separately.) 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 \_\_\_\_\_  
AFD \_\_\_\_\_  
APA \_\_\_\_\_  
ECO \_\_\_\_\_  
ENG \_\_\_\_\_  
GCL \_\_\_\_\_  
IDM 1+D  
TEL \_\_\_\_\_  
CLK \_\_\_\_\_

Enclosures  
cc: Parties of Record (w/out enc.)

Sincerely,  
*Jessica Cano*  
Jessica A. Cano

DOCUMENT NUMBER-DATE

03377 JUN 17 13

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Nuclear Power Plant                    )  
Cost Recovery Clause                            )

Docket No. 130009-EI  
Filed: June 17, 2013

**FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
OF AUDIT REPORT PA-13-01-001**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of portions of Audit Report PA-13-01-001, titled Review of Florida Power & Light Company's Project Management Internal Controls for Nuclear Plant Uprate and Construction Projects ("Audit Report"). In support of its request, FPL states:

1. During its review of FPL's internal controls, Staff was provided with various confidential documents and confidential information. By letter dated May 29, 2013, Staff conducted a preliminary exit conference for the Audit Report, which includes confidential information provided by FPL. Pursuant to Rule 25-22.006(3)(a)2, FPL is required to file a Request for Confidential Classification for the confidential information included in the Audit Report within 21 days of the exit conference letter. Accordingly, FPL is filing this Request for Confidential Classification to maintain continued confidential handling of the information contained in the Audit Report.

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

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

b. Exhibit B consists of a copy of the confidential pages 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 or bases for the claim of confidentiality and to the affidavit in support of the requested classification.

d. Exhibit D includes the affidavits of Antonio Maceo, Steve Scroggs, and Terry Jones in support of this 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. Section 366.093(3), Florida Statutes, defines confidential information as information that is intended to be and is treated by the company as private in that disclosure of the information would cause harm to the company's business operations or its customers, and has not been disclosed publicly. 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(3)(2), 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. A majority of the Audit Report is not asserted to be confidential. However, as the affidavits included in Exhibit D indicate, some of information in the Audit Report is proprietary, confidential business information. Certain information contained in the Audit Report is information related to reports of FPL's internal auditors. This information is protected by Section 366.093(3)(b), Florida Statutes. The Audit Report also contains 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 contracts with certain vendors 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. The Audit Report also includes 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**, FPL respectfully requests confidential classification of the material described herein.

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. 130009-EI**

I HEREBY CERTIFY that a true and correct copy of FPL's Request for Confidential Classification of Audit Report PA-13-01-001 (without exhibits)\* was served by hand delivery\*\* or U.S. Mail this 17<sup>th</sup> day of June, 2013 to the following:

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\*Exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.

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

# EXHIBIT C

**Exhibit C**  
**Florida Power and Light Company**  
**Review of FPL's Project Management Internal Controls for**  
**Nuclear Plant Uprate and Construction Projects (Audit Report)**  
**Docket No. 130009-EI**

<b>Document</b>	<b>Description</b>	<b>No. of Pages</b>	<b>Conf. Y/N</b>	<b>Line No./Col. No.</b>	<b>Florida Statute 366.093 (3) Subsection</b>	<b>Affiant</b>
Audit Report	Internal Controls Report for EPU & PTN	38	N	Cover Pages 1-2, i-ii, 1-10, 12, 14-16, 22-26, 31		
			Y	Page 11 Lines 1-3	(d), (e)	Steve Scroggs
				Page 13 Line 1	(d), (e)	Steve Scroggs
				Page 17 Lines 1-7	(b)	Antonio Maceo
				Page 18 Lines 1-2	(b)	Antonio Maceo
				Page 19 Column A	(d), (e)	Steve Scroggs
				Page 20 Column A and Lines 1-2	(d), (e)	Steve Scroggs
				Page 21 Column A	(d), (e)	Steve Scroggs
				Page 27 Line 1-4	(b)	Antonio Maceo
				Page 28 Lines 1-17	(b)	Antonio Maceo
				Page 29 Column A Lines 1-3, 6-18; Column B Lines 2-7, 10, 13-14, 17; and Lines 19-21	(b)	Antonio Maceo
	Page 30 Column A Lines 6-8, 10-11 and Column B Lines 1-5, 7-10	(b)	Antonio Maceo			
	Page 32 Column	(d), (e)	Terry			



Document	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093 (3) Subsection	Affiant
				A and Lines 1-2		Jones
				Page 33 Columns A and B	(d), (e)	Terry Jones
				Page 34 Lines 1-4	(d), (e)	Terry Jones

# EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost )  
Recovery Clause )

DOCKET NO. 130009-EI

STATE OF FLORIDA )  
MIAMI-DADE COUNTY )

AFFIDAVIT OF ANTONIO MACEO

BEFORE ME, the undersigned authority, personally appeared Antonio Maceo who, being first duly sworn, deposes and says:

1. My name is Antonio Maceo. I am currently employed by Florida Power & Light Company ("FPL") as Manager of Auditing. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C and the documents that are included in FPL's Request for Confidential Classification of information contained in FPSC audit staff's report titled Review of Florida Power & Light Company's Project Management Internal Controls for Nuclear Plant Uprate and Construction Projects, dated June 2013, for which I am identified on Exhibit C as the affiant. The documents or materials that I have reviewed contain information related to reports of internal auditors. Full and frank disclosure of information to the Internal Auditing department is essential for the department to fulfill its role, and the confidential status of internal auditing process, findings, and reports supports such disclosure. The release of information related to reports of internal auditors would be harmful to FPL and its customers because it may affect the effectiveness of the Internal Auditing department itself. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.

Antonio Maceo

SWORN TO AND SUBSCRIBED before me this 14<sup>th</sup> day of June 2013, by Antonio Maceo who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification and who did take an oath.

Notary Public, State of Florida

My Commission Expires:



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost )  
Recovery Clause )

DOCKET NO. 130009-EI

STATE OF FLORIDA )  
 )  
PALM BEACH COUNTY )

AFFIDAVIT OF STEVEN D. SCROGGS

BEFORE ME, the undersigned authority, personally appeared Steven D. Scroggs who, being first duly sworn, deposes and says:

1. My name is Steven D. Scroggs. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director, Project Development. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C and the documents that are included in FPL's Request for Confidential Classification of information contained in FPSC audit staff's report titled Review of Florida Power & Light Company's Project Management Internal Controls for Nuclear Plant Uprate and Construction Projects, dated June 2013, for which I am identified on Exhibit C as the affiant. The documents and materials that I have reviewed contain proprietary confidential business information, including information concerning bids or contractual data and competitively sensitive data. Disclosure of this information would violate FPL's contracts with its vendors, work to the detriment of FPL's competitive interests, impair the competitive interests of its vendors and/or impair FPL's efforts to enter into contracts on commercially favorable terms. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.

*Steven D. Scroggs*  
\_\_\_\_\_  
Steven D. Scroggs

SWORN TO AND SUBSCRIBED before me this 14<sup>th</sup> day of June 2013, by Steven D. Scroggs, who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification and who did take an oath.

*Heather P. Meligonis*  
\_\_\_\_\_  
Notary Public, State of Florida

My Commission Expires: 12/6/13



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost )  
Recovery Clause )

DOCKET NO. 130009-EI

STATE OF FLORIDA )  
 )  
PALM BEACH COUNTY )

AFFIDAVIT OF TERRY JONES

BEFORE ME, the undersigned authority, personally appeared Terry Jones who, being first duly sworn, deposes and says:

1. My name is Terry Jones. I am currently employed by Florida Power & Light Company ("FPL") as Vice President, Nuclear Power Uprate. I have personal knowledge of the matters stated in this affidavit.


2. I have reviewed Exhibit C and the documents that are included in FPL's Request for Confidential Classification of information contained in FPSC audit staff's report titled Review of Florida Power & Light Company's Project Management Internal Controls for Nuclear Plant Uprate and Construction Projects, dated June 2013, for which I am identified on Exhibit C as the affiant. The documents and materials that I have reviewed contain proprietary confidential business information, including information concerning bids or contractual data and information related to competitive interests. Disclosure of this information would violate FPL's contracts with its vendors, work to the detriment of FPL's competitive interests, impair the competitive interests of its vendors and/or impair FPL's efforts to enter into contracts on commercially favorable terms. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.

  
Terry Jones

SWORN TO AND SUBSCRIBED before me this 17 day of June 2013, by Terry Jones, who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification and who did take an oath.

  
Notary Public, State of Florida

My Commission Expires:

