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July 31, 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

RECEIVED - FPSC  
13 JUL 31 PM 1:55  
COMMISSION  
CLERK

Re: Docket No. 130160-EI  
Request for Confidential Classification (Staff's First Data Request)

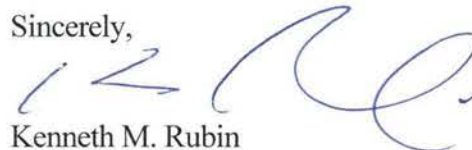
Dear Ms. Cole:

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 First Data Request. The original includes Exhibits A, B (two copies), C and D. The seven copies do not include copies of the Exhibits.

Exhibit A consists of the confidential documents, and all 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 a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains an affidavit 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 have any questions regarding this filing.

Sincerely,

  
Kenneth M. Rubin

Enclosures

COM \_\_\_\_\_  
AFD \_\_\_\_\_  
APA \_\_\_\_\_  
ECO \_\_\_\_\_  
ENG 1  
GCL 5 + CD  
IDM 1  
TEL \_\_\_\_\_  
CLK \_\_\_\_\_

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: FPL’s Petition for Declaratory )  
Statement Regarding the Inspection, )  
Repair and Replacement of Meter )  
Enclosures for Smart Meter Analytical Tool )

Docket No. 130160-EI  
Filed: July 31, 2013

**FLORIDA POWER & LIGHT COMPANY’S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Florida Power & Light Company (“FPL”), pursuant to Rule 25-22.006, Florida Administrative Code, and section 366.093, Florida Statutes, hereby requests confidential classification of certain portions of FPL’s Response of July 10, 2013 to Staff’s First Data Request Number 17 served in the referenced docket on June 27, 2013. In support of its request, FPL states:

1. On July 10, 2013, FPL served its responses to Staff’s First Data Request in the referenced docket. FPL’s response to Staff’s First data Request Number 17 contains confidential information.
2. On July 10, 2013, FPL also filed its Notice of Intent to Request Confidential Classification of Information Provided in Response to Staff Data Request Number 17.
3. The following exhibits are included herewith and made a part hereof:
  - a. Exhibit A consists of the document for which FPL seeks confidential treatment. All information in Exhibit A that FPL asserts is entitled to confidential treatment has been highlighted.
  - b. Exhibit B consists of an edited version of the document for which FPL seeks confidential treatment. All information for which FPL requests confidential treatment has been redacted in Exhibit B.

- c. Exhibit C consists of a table containing a line-by-line and page-by-page identification of the information for which confidential treatment is sought and, with regard to each affected portion of Exhibit A, references to the specific statutory bases for confidentiality and to the affidavit in support of the requested classification.
- d. Exhibit D consists of the affidavit of Dennis Reynolds in support of this request.

4. The information identified in Exhibit C is proprietary confidential business information within the meaning of section 366.093(3), Florida Statutes. The document that contains the proprietary and confidential business information is intended to be and is treated by FPL as private. To the best of FPL's knowledge, the highlighted information has not been publicly disclosed. Pursuant to section 366.093, Florida Statutes, 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 highlighted information 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.

5. As the affidavit included in Exhibit D indicates, the confidential information in FPL's Response to Staff's Data Request Number 17 consists of negotiated financial terms. If publicly disclosed, this information would harm the competitive interests of the provider of the information. This information is protected by sections 366.093(3)(d) and (e), Florida Statutes.

6. Upon a finding by the Commission that the material in Exhibit A for which FPL

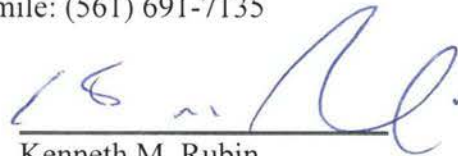
seeks confidential treatment is proprietary confidential business information within the meaning of section 366.093(3), Florida Statutes, such materials should not be declassified for a period of at least eighteen (18) months and should be returned to FPL as soon as the information is no longer necessary 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 affidavit included herewith, Florida Power & Light Company respectfully requests that its request for confidential classification be granted.

Respectfully submitted,

Kenneth M. Rubin, Esq.  
Senior Counsel  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 691-2512  
Facsimile: (561) 691-7135

By:




Kenneth M. Rubin  
Fla. Bar No. 349038

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification\* has been furnished by Hand Delivery this 31<sup>st</sup> day of July, to the following:

Kathryn Cowdery  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Charles J. Rehwinkel  
J.R. Kelly  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400

By:   
Kenneth M. Rubin  
Florida Bar No. 349038

\* 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”**

**EDITED VERSION**

A

B

C

**QUESTION**

Referencing paragraphs 16 and 17 of the petition, provide a breakdown of the cost components of the study/project, including the cost components to repair, if necessary, the 400 smart meters.

**RESPONSE**

Activity	2013	2014
Inspection and repair/replacement of meter enclosures (assuming 70% repair rate)	\$ [REDACTED]	\$ [REDACTED]
Materials	\$ [REDACTED]	\$ [REDACTED]
Model development and validation	\$ [REDACTED]	\$ [REDACTED]
Project resources	\$ [REDACTED]	\$ [REDACTED]
<b>Total</b>	\$ [REDACTED]	\$ [REDACTED]

Summary of Average Costs used to calculate project cost:

- Average Inspection: \$ [REDACTED] per inspection
- Average Replacement Cost: \$ [REDACTED] (Single Phase Electric service only)
- Average Repair Cost: \$ [REDACTED]



A

B

C

**QUESTION**

Referencing paragraphs 16 and 17 of the petition, provide a breakdown of the cost components of the study/project, including the cost components to repair, if necessary, the 400 smart meters.

**RESPONSE**

Activity	2013	2014
Inspection and repair/replacement of meter enclosures (assuming 70% repair rate)	\$ [REDACTED]	\$ [REDACTED]
Materials	\$ [REDACTED]	\$ [REDACTED]
Model development and validation	\$ [REDACTED]	\$ [REDACTED]
Project resources	\$ [REDACTED]	\$ [REDACTED]
<b>Total</b>	\$ [REDACTED]	\$ [REDACTED]

Summary of Average Costs used to calculate project cost:

- Average Inspection: \$ [REDACTED] per inspection
- Average Replacement Cost: \$ [REDACTED] (Single Phase Electric service only)
- Average Repair Cost: \$ [REDACTED]

# **EXHIBIT “C”**

## **JUSTIFICATION TABLE**

**EXHIBIT C**

**COMPANY: Florida Power & Light Company**

**DOCKET: 130160-EI**

**TITLE: Petition for declaratory statement regarding the inspection, repair and replacement of meter enclosures for smart meter analytical tool, by Florida Power & Light Company**

**DATE: July 31, 2013**

<b>Response</b>	<b>Conf. Y/N</b>	<b>Line/Column</b>	<b>366.093(3), F.S.</b>	<b>Affiant</b>
17	Y	Col A Lines 13-15, Cols B&C Lines 6-11	(d)(e)	D. Reynolds

**EXHIBIT “D”**

**AFFIDAVIT**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for declaratory statement regarding )  
The inspection, repair and replacement of meter )  
Enclosures for smart meter analytical tool, by Florida )  
Power & Light Company\_\_\_\_\_ )

DOCKET NO. 130160

STATE OF FLORIDA

AFFIDAVIT OF DENNIS REYNOLDS

MIAMI-DADE COUNTY

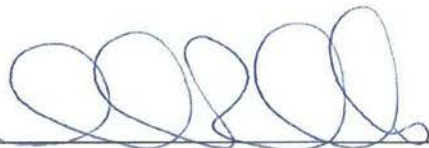
BEFORE ME, the undersigned authority, personally appeared Dennis Reynolds who, being first duly sworn, deposes and says:

1. My name is Dennis Reynolds. I am currently General Manager, Smart Grid Solutions, of Florida Power & Light Co. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C, and the information that is included in Exhibit A to FPL's Request for Confidential Classification for which I am identified on Exhibit C as the affiant. The information that FPL asserts is proprietary and confidential business information includes confidential negotiated financial terms. If publicly disclosed, this information would harm the competitive interests of the provider of the information. The responses and documents that contain the proprietary and confidential business information are intended to be and are treated by FPL as private. To the best of my knowledge, FPL has maintained the confidentiality of these documents.

3. The information should remain confidential for a period of at least eighteen (18) months. These materials 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 the document.

4. Affiant says nothing further.

  
\_\_\_\_\_  
Dennis Reynolds

SWORN TO AND SUBSCRIBED before me this 30 day of July, 2013, by Dennis Reynolds, who is personally known to me or who has produced Driver License (type of identification) as identification and who did take an oath.

  
\_\_\_\_\_  
Notary Public, State of Florida

My Commission Expires

