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RECORDS AND  
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June 11, 2001

**VIA HAND DELIVERY**

Ms. Blanca S. Bayò, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard, Room 110  
Tallahassee, FL 32399-0850

010000-PU

**Re: Florida Power & Light Company's First Request for Extension of Confidential Classification Granted by Order No. PSC-00-0113-CFO-EI In Docket No. 991266-EI**

Dear Ms. Bayò:

I enclose and hand you herewith for filing in the above-referenced matter, an original and two (2) copies of Florida Power & Light Company's ("FPL") First Request for Extension of Confidential Classification granted by Order No. PSC-00-0113-CFO-EI in Docket No. 991266-EI. FPL is incorporating herewith by reference its Exhibits A and B previously submitted in connection with its initial Request, but encloses an original and two (2) copies each of a revised Exhibit C and a new Exhibit D, the Affidavit of Paul A. Karns.

(CONF. DN  
15418-99)

Also included is a computer diskette containing the electronic version of FPL's First Request for Extension of Confidential Classification in Microsoft Word format.

Pursuant to rule 25-22.006(3)(d) of the Florida Administrative Code, FPL requests confidential treatment of the documents in Exhibit A pending disposition of FPL's Request for Confidential Classification.

Please do not hesitate to contact me should you or your Staff have any questions regarding this filing.

Thanking you for your attention to this matter, I remain,

Sincerely,

RECEIVED & FILED  
*[Signature]*  
FPSC-BUREAU OF RECORDS

*[Signature]*  
R. Wade Litchfield

Enclosures

FPL/FGT/Bayo

an FPL Group company

DOCUMENT NUMBER-DATE

07253 JUN 12 01

FPSC-RECORDS/REPORTING

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Florida Power & Light Company's )  
First Request for Extension of Confidential )  
Classification Granted by )  
Order No. PSC-00-0113-CFO-EI )  
In Docket No. 9912666-EI )  
\_\_\_\_\_ )

DOCKET NO. 9912666-EI  
FILED: June 11, 2001

**FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL  
CLASSIFICATION GRANTED BY ORDER NO. PSC-00-0113-CFO-EI**

NOW, BEFORE THE COMMISSION, through undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to rule 25-22.006 of the Florida Administrative Code and section 366.093 of the Florida Statutes, hereby submits its First Request for Extension of Confidential Classification Granted by Order No. PSC-00-0113-CFO-EI of the Florida Public Service Commission ("FPSC" or "Commission"). In support of its Request, FPL states as follows:

1. Petitioner's name and address are:

Florida Power & Light Company  
P.O. Box 029100  
Miami, Florida 33102-9100

Orders, notices, or other pleadings related to this request should be served on:

William G. Walker, III  
Florida Power & Light Company  
Vice President  
215 South Monroe Street  
Suite 810  
Tallahassee, Florida 32301-1859  
(850) 224-7595

R. Wade Litchfield  
Florida Power & Light Company  
Senior Attorney  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
(561) 691-7101  
(561) 691-7103 Facsimile

2. On August 31, 1999, FPL filed with the Commission its Request for Confidential

Classification in Connection with the Review of the FGT Contract by the Commission's staff. FPL's initial filing consists of the Request for Confidential Classification and Exhibits A through D. On December 17, 1999 FPL amended its Request and submitted amended Exhibits A, B, and C. By Order No. PSC-00-0113-CFO-EI, dated January 12, 2000, the Commission granted FPL's request.

3. The period of confidential treatment granted by the Commission will soon expire. The information that was the subject of FPL's August 31, 1999 Request, as amended, warrants continued treatment as proprietary and confidential business information with the meaning of Section 366.093. Accordingly, FPL hereby submits its First Request for Extension of Confidential Classification.

4. FPL incorporates herein by reference amended Exhibits A and B from its December 17, 1999 filing. Also included herewith and made a part hereof are Exhibits C and D. Exhibit D consists of the Affidavit of Paul A. Karns which replaces Exhibit D (Affidavit of Rene Silva) previously filed August 31, 1999. Exhibit C, as revised, shows Mr. Karns as affiant in lieu of Mr. Silva.

5. FPL submits that such information is proprietary confidential business information within the meaning of section 366.093(3). 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.

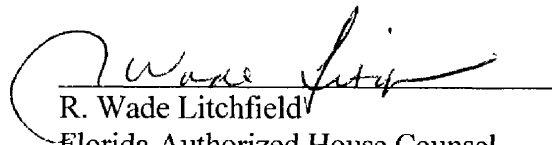
6. The statutory bases for FPL's assertion of confidentiality with regard to each document or portion thereof are set forth in the Justification Table under the column titled "FLORIDA STATUTE 366.093(3)." The letters (d) and (e) refer to subsections of section 366.093(3), as applicable. Support for FPL's Request for Confidential Classification of the referenced material is provided through the Affidavit of Paul A. Karns. The Justification Table identifies Mr. Karns as the affiant attesting to the basis for FPL's assertion of confidentiality with regard to each document or portion thereof. Nothing has changed since the issuance of Order No. PSC 00-0113-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate.

7. The information for which FPL seeks confidential classification consists principally of the evaluation criteria employed by FPL in selecting natural gas transportation services for Fort Myers, and also includes information specific to the bids received. Much of the bid information was submitted to FPL pursuant to obligations of confidentiality. As Mr. Karns indicates in the attached affidavit, the disclosure of such information would impair the efforts of the utility contract for goods and services on favorable terms. In addition, the disclosure of bid information would impair the competitive business of the provider of such information.

8. Upon a finding by the Commission that the material in Exhibit A of the August 31, 1999 filing for which FPL seeks confidential treatment continues to be proprietary confidential business information within the meaning of section 366.093(3). Pursuant to section 366.093(4) such materials should not be declassified for at least eighteen (18) months or such additional periods of confidentiality established by the Commission and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business.

**WHEREFORE**, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavits included herewith or incorporated herein by reference, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Wade Litchfield", is written over a horizontal line. The signature is cursive and somewhat stylized.

R. Wade Litchfield  
Florida Authorized House Counsel  
Attorney for Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
(561) 691-7101  
(561) 691-7135



		24	Y	Lines Nos. 1,2,3,4,5,6,7,8,9, 11,12,14,15,16,17, 18,19,20,22,23,27, 28,29,30	(d) (e)	Paul Karns
		25	Y	All of Page No. 25	(d) (e)	Paul Karns
		26	Y	All of Page No. 26	(d) (e)	Paul Karns
		27	Y	All of Page No. 27	(d) (e)	Paul Karns
		28	Y	Line Nos. 1,2,3,4,5,6	(d) (e)	Paul Karns

**EXHIBIT D**

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Florida Power & Light Company’s ) DOCKET NO.  
Request for Confidential Classification )  
In Connection with the Review of the ) Filed: June 12, 2001  
FGT Contract )

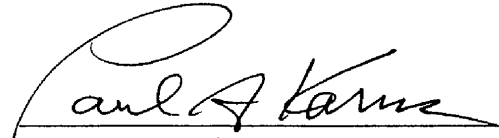
STATE OF FLORIDA )  
 ) **AFFIDAVIT OF PAUL A KARNs**  
COUNTY OF PALM BEACH )

**BEFORE ME**, the undersigned authority, personally appeared Paul A. Karns who, being first duly sworn, deposes and says:

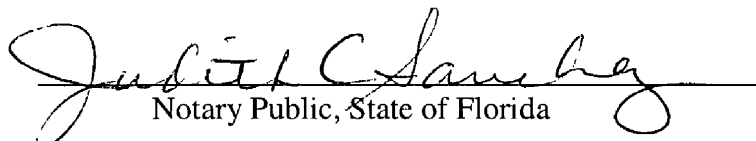
1. My name is Paul A. Karns. I am currently employed by Florida Power & Light Company (“FPL”), Energy Marketing and Trading Division, as Director, Contracts & Regulatory. I have personal knowledge of the matters stated in this affidavit.
  
2. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant and which are included in Exhibit A to FPL’s Request for Confidential Classification. Such documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information, as noted on Exhibit C, contain or constitute: (i) information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms; and/or (ii) information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Specifically, the information in question consists of the bids received by FPL and the evaluation criteria employed by FPL in selecting a natural gas transportation provider for the Fort Myers plant. Bids received by FPL were provided subject to obligation of confidentiality. 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 confidentiality of these documents.
  
4. Affiant says nothing further.

  
Paul A. Karns

**SWORN TO AND SUBSCRIBED** before me this 22<sup>nd</sup> day of May 2001,  
by Paul A. Karns, 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: 4/11/03

