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November 30, 2001

- VIA HAND DELIVERY -

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
4075 Esplanade Way, Room 110
Tallahassee, FL 32399

RE: DOCKET NO. 010001-EI

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company in the above referenced docket are the original and seven (7) copies of Florida Power & Light Company's Request for Confidential Classification and a Motion for Protective Order regarding its responses to Staff's Third Set of Interrogatories. Please note that the the original copy of the motion has an Attachment, Exhibit A, which contains CONFIDENTIAL INFORMATION. Therefore, FPL is filing the original motion in a separate envelope stamped CONFIDENTIAL. The remaining copies of the motion do not contain Exhibit A or any other confidential information.

If there are any questions regarding this transmittal, please feel free to contact me.

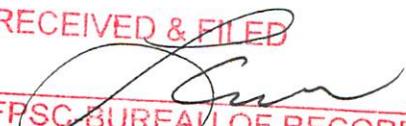
Very truly yours,


Charles A. Guyton

Enclosures

cc: All Parties of Record (w/enclosures)

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RECEIVED & FILED

FPSC BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

15052 NOV 30 01

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power)
Cost Recovery Clause and Generating)
Performance Incentive Factor)
_____)

Docket No. 010001-EI
Filed: November 30, 2001

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION AND MOTION FOR PROTECTIVE ORDER**

Pursuant to Section 366.093, Florida Statutes and Rule 25-22.006, Florida Administrative Code ("F.A.C."), Florida Power & Light Company ("FPL") hereby requests confidential classification of certain information responsive to Staff's Third Set of Interrogatories (hereinafter the "Confidential Information"). FPL further requests that the Commission enter a protective order requiring any person wishing to review the Confidential Information to file a petition to inspect and examine the confidential information pursuant to Rule 25-22.006(7)(a), F.A.C, and requiring that the Confidential Information be returned to FPL at the close of this proceeding. In support thereof, FPL states:

Justification for Confidential Classification

1. The Confidential Information relates to the operations of FPL's Energy Marketing and Trading Division. It describes confidential and proprietary fuel transportation pricing information, the disclosure of which would cause injury to both FPL and FPL's fuel transportation provider. The disclosure of such information, which relates to FPL's actions in highly competitive market environments, would obviously impair the competitive business interests of FPL. Additionally, the Confidential Information contains vendor-specific contract prices. Disclosure of such information would further impair FPL's ability to contract on favorable terms in the future, and could also impair the business interests of FPL's vendors and customers.

2. FPL has prepared four exhibits to this Motion which provide the information and materials required by Rule 25-22.006(4), F.A.C. Exhibit A contains unredacted copies of FPL's responses to Staff's Third Set of Interrogatories, with all Confidential Information highlighted. Exhibit B is a copy of the same material as Exhibit A, but with all confidential information redacted. Exhibit C is a line-by-line justification of the confidential status of the Confidential Information in Exhibit A. Exhibit D is the affidavit of Gerard Yupp, and explains why the information FPL seeks to prevent from disclosure is confidential.¹

Request for Protective Order

3. In addition to confidential classification, FPL requests that certain protections against disclosure outside of this proceeding be implemented pursuant to Rule 25-22.006(6)(a), F.A.C. Specifically, FPL requests that the Commission enter a protective order requiring any person or persons that wish to review the Confidential Information to first file a petition to inspect and examine the confidential information with the Commission pursuant to Rule 25-22.006(7)(a), F.A.C. Requiring parties to make such an application will allow issues relating to any requested review of the Confidential Information to be more fully considered at a later time, in the context of a specific request by a particular party.

4. FPL further requests that the Commission require the Confidential Information to be returned to FPL at the close of this phase of this proceeding. This phase of this proceeding will end when fuel and purchased power cost recovery factors for 2002 are established. Requiring the return

¹ Pursuant to Rule 25-22.006(4)(a), F.A.C., FPL has filed with the Commission one copy of Exhibit A and two copies of Exhibit B. Service copies of this Motion contain Exhibits B, C and D only; Exhibit A is not included.

of the Confidential Information at the close of this phase of this proceeding is expressly provided for in section 366.093(4), Florida Statutes, and will mitigate the adverse impacts to FPL. Moreover, the Confidential Information will continue to be confidential to FPL for an indefinite period of time. It will still be treated by FPL as confidential as a matter of company policy, and its disclosure would continue to harm FPL's competitive interests long after the 18 month period set forth in section 366.093(4). Therefore, FPL requests that the Commission order, as allowed by Section 366.093, Florida Statutes, that any Confidential Information continue to be classified as confidential for at least 36 months and that FPL be given the opportunity to renew its confidential classification.

WHEREFORE, FPL respectfully requests that the Commission (a) rule that the Confidential Information highlighted on Exhibit A hereto be given confidential classification and be exempt from disclosure and (b) enter a protective order (i) requiring any person or persons that wish to review the Confidential Information to file a petition to inspect and examine the confidential information pursuant to Rule 25-22.006(7)(a), F.A.C., (ii) requiring that all the materials containing the Confidential Information be returned to FPL at the close of this phase of this proceeding, and (iii) holding that the confidential classification will continue in effect for at least 36 months or until all copies of the Confidential Information are returned to FPL.

Respectfully submitted this 30th day of November, 2001.

Respectfully submitted,

STEEL HECTOR & DAVIS LLP
215 South Monroe Street, Suite 601
Tallahassee, Florida 32301-1804
Attorneys for Florida Power
& Light Company

By: 
Charles A. Guyton

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Request for Confidential Classification and Motion for Protective Order has been furnished by Hand Delivery (*), or U.S. Mail this 30th day of November, 2001, to the following:

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Orlando, Florida 32801

By: 
CHARLES A. GUYTON

Exhibit A

CONFIDENTIAL DOCUMENTS

Exhibit B

REDACTED DOCUMENTS

6 148. What is the total transportation cost on a per MMBtu basis for FPL to
7 transport natural gas through the Florida Gas Transmission pipeline on a
8 firm basis? If FPL pays for firm natural gas under more than one rate,
9 please identify the rates under which FPL pays.

10 A. The actual total transportation cost on a per MMBtu basis paid by FPL under
11 the Firm Transportation Service Rate Schedule FTS-1 and under the Firm
12 Transportation Service Rate Schedule FTS-2 were [REDACTED] and
13 [REDACTED], respectively, for the month of September 2001.

1 Florida Power & Light Company
2 Docket No. 010001-EI
3 Staff's Third Set of Interrogatories
4 Question No. 149
5 Page 1 of 1

6 149. What is the total transportation cost on a per MMBTU basis for FPL to
7 transport natural gas through the Florida Gas Transmission pipeline on a
8 non-firm basis? If FPL pays for non-firm natural gas transportation under
9 more than one rate, please identify the rates under which FPL pays.

10 A. The total transportation cost on a per MMBtu basis paid by FPL under the
11 Interruptible Rate Schedule (ITS-1) was [REDACTED] for the month of
12 September 2001.

Exhibit C

JUSTIFICATION TABLE

EXHIBIT C

COMPANY:

Florida Power & Light Company

TITLE:

List of Confidential Workpapers

DOCKET NO:

010001-EI

Interrogatory No.	Description	No. of Pages	Confidential Yes / No	Line No.	Florida Statute 366.093(3) Subsection	Affiant
148	Staff's Third Set of Interrogatories	1	Y	12,13	d,e	G. Yupp
149	Staff's Third Set of Interrogatories	1	Y	11	d,e	G. Yupp

Exhibit D

AFFIDAVIT

EXHIBIT D

**BEFORE THE FLORIDA
PUBLIC SERVICE COMMISSION**

In re: Florida Power & Light Company's)
Request for Confidential Classification)
Of Material Provided pursuant to)
Staff's Third Set of Interrogatories)

Docket No. 010001-EI

STATE OF FLORIDA)
)
PALM BEACH COUNTY)

AFFIDAVIT OF GERARD YUPP

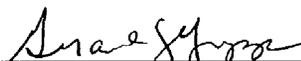
BEFORE ME, the undersigned authority, personally appeared Gerard Yupp, who, being first duly sworn, deposes and says:

1. My name is Gerard Yupp. I am currently employed by Florida Power & Light Company (FPL), Energy Marketing and Trading (EMT) Division, as Manager of Regulated Wholesale Power Trading. I have personal knowledge of the matters stated in this affidavit.

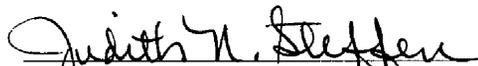
2. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant and which are included in Exhibit A to FPL's Request for Confidential Classification. Documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute information relating to competitive interests, the disclosure of which may impair the competitive business of the provider of the information.

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 maintain the confidentiality of these documents.

4. Affiant says nothing further.


Gerard Yupp

SWORN TO AND SUBSCRIBED before me this 28th day of November, 2001, by Gerard Yupp, who is personally known to me or who has produced _____ (type of identification) as identification.


Notary Public, State of Florida

My Commission Expires:

