

July 17, 2002

Blanca S. Bayó
Director, Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

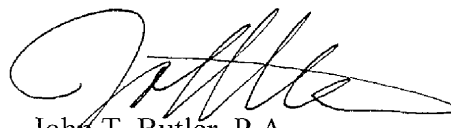
Re: Docket No. 011605-EI

Dear Ms. Bayó:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's Request for Confidential Classification of Certain Documents and Information Responsive to Staff's Second Set of Interrogatories and Second Request for Production of Documents, together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows 2000, and the word processing software in which the documents appear is Word 2000.

If there are any questions regarding this transmittal, please contact me at 305-577-2939.

Very truly yours,



John T. Butler, P.A.

Enclosure

cc: Counsel for Parties of Record (w/enclosure; Composite Exhibit B to enclosure is not included due to its large volume, but is available to Parties of Record upon request)

DOCUMENT NUMBER CASE

07465 JUL 16 2002

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of investor-owned)
electric utilities' risk management) Docket No. 011605-EI
policies and procedures.) Dated: July 17, 2002

**FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF CERTAIN DOCUMENTS AND
INFORMATION RESPONSIVE TO STAFF'S SECOND SET OF INTERROGATORIES
AND SECOND REQUEST FOR PRODUCTION OF DOCUMENTS**

Florida Power & Light Company ("FPL"), pursuant to Rule 25-22.006, F.A.C., and Section 366.093, Florida Statutes, requests confidential classification of certain documents and information responsive to Request Nos. 3, 8, 9, 10 and 12 of Staff's Second Request for Production of Documents and Interrogatory Nos. 14, 16 and 18 of Staff's Second Set of Interrogatories (the "Confidential Discovery Responses"). In support of its Request, FPL states as follows:

1. FPL provided Staff with responses to Staff's Second Request for Production of Documents and Second Set of Interrogatories on June 27, 2002. Contemporaneously, FPL filed a Notice of Intent to Seek Confidential Classification of the Confidential Discovery Responses. Rule 25-22.006, F.A.C. provides that, unless good cause is shown for delay, a party that has filed a notice of intent must then file a request for confidential classification of the information covered by the notice of intent within 21 days. This Request is being filed within 21 days of FPL's filing of its Notice of Intent on June 27, 2002, and is intended to request confidential classification of the Confidential Discovery Responses consistent with Rule 25-22.006.

2. The following exhibits are included with this Request:

a. Composite Exhibit A consists of a copy of the Confidential Discovery Responses, in which all information that FPL asserts is entitled to confidential treatment has

been highlighted. Composite Exhibit A is submitted separately in a sealed folder marked “CONFIDENTIAL.”

b. Composite Exhibit B consists of two copies of the Confidential Discovery Responses in which all information that FPL asserts is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing a line-by-line and page-by-page identification of the information in the Confidential Discovery Responses for which confidential treatment is sought, together with references to the specific statutory basis for the claim of confidentiality and to the affidavits in support of the requested classification. Exhibit C is sometimes referred to hereinafter as the “Justification Table.”

d. Exhibit D consists of the affidavit of Joseph Stepenovitch, Director of FPL’s Energy Marketing & Trading Division, attesting to the asserted basis for confidential classification.

4. FPL seeks confidential protection for the information highlighted in Exhibit A. The highlighted information is confidential because it comprises trade secrets of FPL, which allow FPL to conduct its fuel procurement on favorable terms for FPL and its customers. The disclosure of that trade-secret information would provide other participants in the fuel markets insight into FPL’s fuel-procurement practices that would allow them to anticipate FPL’s procurement decisions and/or impair FPL’s ability to negotiate, to the detriment of FPL and its customers. *See* § 366.093(3)(a), Fla. Stat (2001).

5. FPL submits that the highlighted information is proprietary confidential business information within the meaning of Section 366.093(3). Pursuant to Section 366.093, such

information is entitled to confidential treatment and is exempt from the disclosure provisions of the public records law.

6. The material in Exhibit A for which FPL seeks confidential classification is intended to be and is treated by FPL as private, and its confidentiality has been maintained.

7. 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), pursuant to Section 366.093(4) such materials should not be declassified for 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.

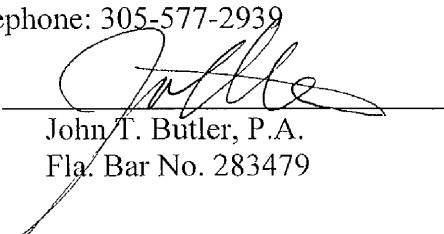
WHEREFORE, FPL respectfully requests that its Request for Confidential Classification of the Confidential Discovery Responses be granted.

Respectfully submitted,

R. Wade Litchfield, Esq.
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Attorneys for Florida Power & Light
Company
200 South Biscayne Boulevard
Suite 4000
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Telephone: 305-577-2939

By: _____


John T. Butler, P.A.
Fla. Bar No. 283479

CERTIFICATE OF SERVICE

Docket No. 011605-EI

I certify that a copy of the foregoing was served by Federal Express (*) or United States mail on this 17th day of July, 2002, to the following persons:

Susan D. Ritenour
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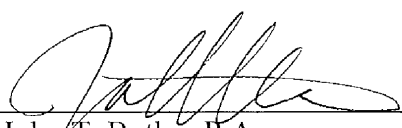
By: 
John T. Butler, P.A.

EXHIBIT A

CONFIDENTIAL DISCOVERY RESPONSES – NOT INCLUDED

EXHIBIT B

CONFIDENTIAL DISCOVERY RESPONSES – REDACTED

(not included due to large volume)

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Workpapers
DOCKET NO: 011605-EI
IN RE: Review of Investor-Owned Electric Utilities' Risk Management Policies and Procedures

STAFF'S SECOND SET OF INTERROGATORIES

Interrogatory No.	Description	No. of Pages	Confidential Yes/No	Bates No.	Line No.	Fla. Statute 366.093(3) Subsection	Affiant
14	Price Transactions	1	Y			a	J. Stepenovitch
16	Price Transactions	1	Y			a	J. Stepenovitch
18	Price Transactions	1	Y			a	J. Stepenovitch

STAFF'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS

Request No.	Description	No. of Pages	Confidential Yes/No	Bates No.	Line No.	Fla. Statute 366.093(3) Subsection	Affiant
3	FPL's Trading and Risk Management Procedure Manual	1	N	00100001 HD			
3	FPL's Trading and Risk Management Procedure Manual	29	Y	00100002 HD-00100030 HD		a	J. Stepenovitch
3	Planned Position Strategies	29	Y	00100031 HD-00100059 HD		a	J. Stepenovitch
3	Monthly Forecasts	176	Y	00100060 HD-00100235 HD		a	J. Stepenovitch
8	Fuel Cost Variance Assessment Analysis of Fuel Price Forecasting and Hedging, 3-12-02, Dean & Co	2	N	00100252 HD-00100253 HD			
8	Fuel Cost Variance Assessment Analysis of Fuel Price Forecasting and Hedging, 3-12-02, Dean & Co	28	Y	00100254 HD-00100281 HD		a	J. Stepenovitch

8	Executive Summary of Company Plan	6	Y	00100282 HD-00100287 HD		a	J. Stepenovitch
8	Executive Summary of Company Plan	2	N	00100288 HD, 00100289 HD			
8	Executive Summary of Company Plan	5	Y	00100290 HD-00100294 HD		a	J. Stepenovitch
9	EMT VaR/MtM Report, 4-2-02	2	N	00101194 HD-00101195 HD			
9	EMT VaR/MtM Report, 4-2-02	13	Y	00101196 HD-00101208 HD		a	J. Stepenovitch
9	High Level Risk and Control Infrastructure Review –June 2000	1	Y	00101209 HD		a	J. Stepenovitch
9	High Level Risk and Control Infrastructure Review –June 2000	1	N	00101210 HD			
9	High Level Risk and Control Infrastructure Review –June 2000	64	Y	00101211 HD-00101274 HD		a	J. Stepenovitch
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	Report						
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10, 12	Daily Management Report	28	Y	00101166 HD-00101193 HD		a	J. Stepenovitch

EXHIBIT D

**BEFORE THE FLORIDA
PUBLIC SERVICE COMMISSION**

In re: Review of Investor-Owned)
Electric Utilities' Risk Management)
Policies and Procedures)

Docket No. 011605-EI

STATE OF FLORIDA)
)
PALM BEACH COUNTY)

AFFIDAVIT OF JOSEPH P. STEPENOVITCH

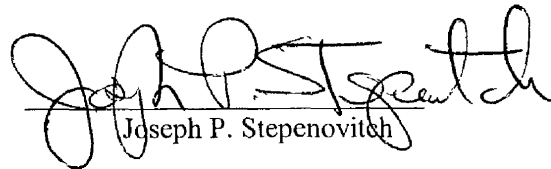
BEFORE ME, the undersigned authority, personally appeared Joseph P. Stepenovitch, who, being first duly sworn, deposes and says:

1. My name is Joseph P. Stepenovitch. I am currently employed by Florida Power & Light Company (FPL) as Director of the Energy Marketing and Trading Division. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the confidential documents and information for which I am listed as Affiant and which are included in Exhibit A to FPL's Request for Confidential Classification (the "Confidential Materials"). The Confidential Materials are confidential because they contain trade secrets of FPL, which allow FPL to conduct its fuel procurement on favorable terms for FPL and its customers. Disclosure of that trade-secret information would provide other participants in the fuel markets with insight into FPL's fuel-procurement practices that would allow them to anticipate FPL's procurement decisions and/or impair FPL's ability to negotiate, both of which would be to the detriment of FPL and its customers.

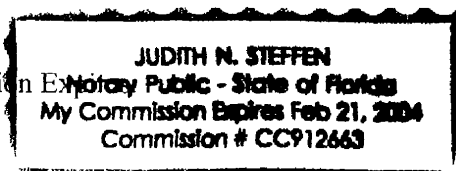
3. The Confidential Materials should remain confidential for a period of not less than 18 months, as permitted by and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can maintain the confidentiality of these documents. This procedure is necessary because the trade secrets contained in the Confidential Materials will be valuable to FPL in conducting its fuel procurement on favorable terms for longer than 18 months.

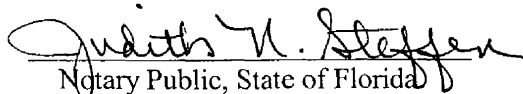
4. Affiant says nothing further.


Joseph P. Stepenovitch

SWORN TO AND SUBSCRIBED before me this 15th day of July, 2002, by Joseph P. Stepenovitch, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.

My Commission Expires




Notary Public, State of Florida