

STEEL
HECTOR
& DAVIS

ORIGINAL

Steel Hector & Davis LLP
200 South Biscayne Boulevard
Miami, Florida 33131-2398
305.577.7000
305.577.7001 Fax
www.steelhector.com

September 18, 2002

-VIA FEDERAL EXPRESS-

Ms. Blanca Bayó
Division of the Commission Clerk
and Administrative Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

Robert L. Powell, Jr.
305.577.2859
rpowell@steelhector.com

Re: Docket Nos. 020262-EI, 020263-EI

Dear Ms. Bayó:

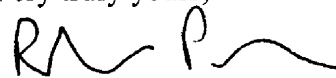
Enclosed for filing on behalf of Florida Power & Light Company in Docket Nos. 020262-EI and 020263-EI are the original and seven copies of:

Florida Power & Light Company's Request for Confidential Classification for Certain Information Responsive to CPV Gulfcoast, Ltd.'s Third Set of Interrogatories ("Request").

I have also enclosed a disk containing the electronic version of this filing. Please note that on September 17, 2002, FPL filed Exhibit A to the Request, which contains **CONFIDENTIAL INFORMATION**, Exhibit B to the Request, which contains two redacted versions of the material in Exhibit A, and Exhibit C to the Request, which contains a field-by-field justification for the confidential classification. The copies of the Request do not contain Exhibit A or Exhibit B.

In its Request, FPL seeks confidential classification of the confidential information in previously filed Exhibits A and B. If there are any questions regarding this filing, please contact me at 305-552-4027.

Very truly yours,



Robert L. Powell, Jr., Esq.

enclosures
cc: Counsel for Parties of Record

02 SEP 19 AM 9:58
DISTRIBUTION CENTER

DOCUMENT NUMBER DATE

10036 SEP 19 02

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In re: Petition To Determine Need For
an Electrical Power Plant in Martin County
by Florida Power & Light Company.**

)
)
)
)

Docket No. 020262-EI

**In re: Petition To Determine Need For
an Electrical Power Plant in Manatee County
by Florida Power & Light Company.**

)
)
)
)

Docket No. 020263-EI

Dated: September 18, 2002

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
FOR CERTAIN INFORMATION RESPONSIVE TO CPV
GULF COAST, LTD.'S THIRD SET OF INTERROGATORIES**

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 provided in response to CPV Gulfcoast, Ltd.'s (CPV Gulfcoast's) Third Set of Interrogatories (the "Confidential Information"). In support thereof, FPL states:

Justification for Confidential Classification

The Confidential Information is contained in documents provided to CPV Gulfcoast, the intervenors that have signed the confidentiality agreement, and Staff in response to CPV Gulfcoast's Third Set of Interrogatories Nos. 106 and 107. FPL filed a Notice of Intent to Request Confidential Classification of this same material on September 11, 2002. The Confidential Information for which FPL seeks confidential classification consists of the dollar amounts of contract change orders for the Fort Myers and Sanford Repowering projects.

The material for which confidential classification is sought contains contractual pricing terms between FPL and its vendors for goods and services related to its Fort Myers and Sanford

DOCUMENT NUMBER DATE

10036 SEP 19 02

FPSC-COMMISSION CLERK

Repowering projects. These contractual pricing terms are intended to be and have been treated by FPL and its vendors as private and confidential and have not been publicly disclosed. FPL's vendors require that the contractual terms and conditions for these goods and services, including the pricing of contract change orders, be kept confidential. FPL can only secure favorable terms and conditions for these goods and services if the providers of such goods and services are confident that the terms and conditions they are providing will not become public knowledge and then be used against them in subsequent negotiations with other prospective customers.

The disclosure of such information would significantly impair the competitive business interests of FPL and FPL's vendors by impairing their efforts to contract for goods and services on favorable terms. Thus, disclosure of the Confidential Information would injure FPL, FPL's vendors, and FPL's customers.


Much of the Confidential Information for which FPL seeks confidential classification contains contractual pricing terms that FPL is required to maintain as confidential through 2010. Specifically, FPL is required by contract to keep the contractual pricing terms with Black & Veatch, General Electric, Foster Wheeler, and Siemens Westinghouse confidential through 2010. Because much of the Confidential Information will continue to be confidential for more than eighteen months, FPL seeks confidential classification for one hundred months with the opportunity to request continuation of the confidential classification.

An unredacted copy of the confidential documents, with all Confidential Information highlighted, was previously sent to the Commission as Exhibit A in an envelope marked "CONFIDENTIAL." Exhibit B consists of two copies of the same material with all Confidential Information redacted. Exhibit C is a field-by-field justification of the confidential status of the Confidential Information.

WHEREFORE, FPL respectfully requests that the Commission grant the Confidential Information identified in Exhibits A and B confidential classification and exempt it from public disclosure.

R. Wade Litchfield, Esq.
Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: 561-691-7101

Respectfully submitted,
Steel Hector & Davis LLP
Attorneys for Florida Power & Light Company
200 South Biscayne Boulevard
Suite 4000
Miami, Florida 33131
Telephone: 305-577-2859

By: 
Robert L. Powell, Jr., Esq.
Florida Bar No. 0195464

CERTIFICATE OF SERVICE
Docket Nos. 020262-EI and 020263-EI

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Request for Confidential Classification of Certain Information Responsive to CPV Gulfcoast's Third Set of Interrogatories, excluding confidential Exhibit A has been furnished by U.S. Mail this 18th day of September, 2002, to the following:

Martha Carter Brown, Esq.
Lawrence Harris, Esq.
Legal Division
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
Mbrown@psc.state.fl.us

Michael Twomey
P.O. Box 5256
Tallahassee, Florida 32301
miketwomey@talstar.com

Joseph A. McGlothlin, Esq.
Vicki Gordon Kaufman, Esq.
Timothy J. Perry, Esq.
McWhirter, Reeves, McGlothlin, Davidson,
Decker, Kaufman, & Arnold, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301
vkaufman@mac-law.com

Ernie Bach, Executive Director
Florida Action Coalition Team
P.O. Box 100
Largo, Florida 33779-0100
ernieb@gte.net


Jon C. Moyle, Jr., Esq.
Cathy M. Sellers, Esq.
Moyle Flanigan Katz Raymond &
Sheehan, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301
Jmoylejr@moylelaw.com

R.L. Wolfinger
South Pond Energy Park, LLC
c/o Constellation Power Source
111 Market Place, Suite 500
Baltimore, Maryland 21202-7110

D. Bruce May, Jr., Esq.
Karen D. Walker, Esq.
Holland & Knight LLP
315 S. Calhoun Street, Suite 600
Tallahassee, Florida 32301
Dbmay@hklaw.com

Michael Green
1049 Edmiston Place
Longwood, Florida 32779
mgreenconsulting@earthlink.net

John W. McWhirter, Esq.
McWhirter, Reeves, McGlothlin, Davidson,
Decker, Kaufman, & Arnold, P.A.
400 North Tampa Street, Suite 3350
Tampa, Florida 33602
Jmcwhirter@mac-law.com

By: 
Robert L. Powell, Jr.

**Florida Power & Light Company
Field-By-Field Confidentiality Justification
CPV Gulfcoast's Third Set of Interrogatories, No. 106**

Document Title	Page Number	Line Description	Justification
Fort Myers Repowering Major Commitments Listing	Page 1 of 7	Dollar amount of contract change orders	Fla.Stat §366.093(3)(d)&(e)
SAME	Page 2 of 7	SAME	Fla.Stat §366.093(3)(d)&(e)
SAME	Page 3 of 7	SAME	Fla.Stat §366.093(3)(d)&(e)
SAME	Page 4 of 7	SAME	Fla.Stat §366.093(3)(d)&(e)
SAME	Page 5 of 7	SAME	Fla.Stat §366.093(3)(d)&(e)
SAME	Page 6 of 7	SAME	Fla.Stat §366.093(3)(d)&(e)
SAME	Page 7 of 7	SAME	Fla.Stat §366.093(3)(d)&(e)

**Florida Power & Light Company
 Field-By-Field Confidentiality Justification
 CPV Gulfcoast's Third Set of Interrogatories, No. 107**

Document Title	Page Number	Line Description	Justification
Sanford Repowering Major Commitments Listing	Page 1 of 10	Dollar amount of contract change orders	Fla.Stat §366.093(3)(d)&(e)
SAME	Page 2 of 10	SAME	Fla.Stat §366.093(3)(d)&(e)
SAME	Page 3 of 10	SAME	Fla.Stat §366.093(3)(d)&(e)
SAME	Page 4 of 10	SAME	Fla.Stat §366.093(3)(d)&(e)
SAME	Page 5 of 10	SAME	Fla.Stat §366.093(3)(d)&(e)
SAME	Page 6 of 10	SAME	Fla.Stat §366.093(3)(d)&(e)
SAME	Page 7 of 10	SAME	Fla.Stat §366.093(3)(d)&(e)
SAME	Page 8 of 10	SAME	Fla.Stat §366.093(3)(d)&(e)
SAME	Page 9 of 10	SAME	Fla.Stat §366.093(3)(d)&(e)
SAME	Page 10 of 10	SAME	Fla.Stat §366.093(3)(d)&(e)