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February 21, 2003

-VIA FEDERAL EXPRESS-

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

Re: Docket No. 030001-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 Information Responsive to Staff's First Set of Interrogatories (No. 8, 9 and 15) in Docket No. 020001, the predecessor to this docket, 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. The affidavit of Frank Irizarry that is attached to the Request as Exhibit D is a faxed copy. I will file the original of this affidavit shortly.

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

Sincerely,


John T. Butler

Enclosure

cc: Counsel for Parties of Record (w/encl.)

DOCUMENT NUMBER DATE

01861 FEB 24 03

FPSC-CONF. DESIGN. CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In re: Fuel and purchased power)
cost recovery clause with)
generating performance incentive)
factor.)
_____)**

**Docket No. 030001-EI
Dated: February 21, 2003**

**FLORIDA POWER AND LIGHT COMPANY’S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF CERTAIN
INFORMATION RESPONSIVE TO
STAFF’S FIRST SET OF INTERROGATORIES (NO. 8, 9 and 15)
IN DOCKET NO. 020001-EI**

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 information responsive to Interrogatories No. 8, 9 and 15 of Staff’s First Set of Interrogatories in Docket No. 020001-EI, the predecessor to this docket (the “Confidential Discovery Responses”). In support of its Request, FPL states as follows:

1. FPL provided to Staff the information responsive to Interrogatories No. 8, 9 and 15 on January 30, 2003. Contemporaneously, FPL filed a Notice of Intent to Seek Confidential Classification. 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.

2. This Request is intended to request confidential classification of the Confidential Discovery Responses consistent with Rule 25-22.006. It is being filed on February 24, 2003, which is four days more than the 21 days ordinarily contemplated by the Rule. FPL has good cause for this short delay. During the period between the filing of the Notice and the filing of

this Request, FPL has -- consistent with the Commission's prior directions concerning mid-course corrections -- evaluated the need for a mid-course correction to its fuel cost recovery factors, prepared and filed a petition for a mid-course correction, and responded to Staff questions about the petition. The same personnel who were involved in preparing this Request were substantially responsible for this extensive and intensive activity in support of the mid-course correction.

3. 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 affidavit 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 Frank Irizarry, Manager of Business Services in FPL's Power Generation Division. The affidavit attests 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 concerning the operational practices at FPL's fossil-fueled power plants, which allow FPL to operate those power plants in a manner that is favorable to FPL and its customers. Disclosure of FPL's trade-secret information would provide other power generators insight into FPL's operational practices that would unfairly allow them to benefit from those practices, to FPL's competitive disadvantage and without compensation to FPL. *See* § 366.093(3)(a) and (e), Fla. Stat (2002).

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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Juno Beach, Florida 33408-0420
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By: *Keel M. Rubin for JTB*
John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE

Docket No. 030001-EI

I certify that a copy of the foregoing Request for Confidential Classification was served by Federal Express (*) or United States mail on this 21st day of February, 2003, to the following persons:

Wm. Cochran Keating, IV, Esq.(*)
Division of Legal Services
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By: *Kevin M. Butler for*
John T. Butler

EXHIBIT D

BEFORE THE FLORIDA
PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's)
Request for Confidential Classification)
Of Material Provided pursuant to Florida)
Power & Light's Response to Staff's First)
Set of Interrogatories (NO. 7-16))

Docket No: 030001-E1
Dated: February 21, 2003

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

AFFIDAVIT OF FRANK IRIZARRY

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

1. My name is Frank Irizarry. I am currently employed by Florida Power & Light "FPL") as Manager of Business Services in the Power Generation Division. 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. This information, if made public, would afford FPL's competitors an unfair advantage over FPL and would impair FPL's efforts to enter into contracts on commercially favorable terms. 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 Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.

F. Irizarry

Signature of Affiant

F. IRIZARRY

Print Name

SWORN TO AND SUBSCRIBED before me this 21st day of February, 2003, by F. Irizarry, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.

Elizabeth Carrero

Notary Public, State of Florida

My Commission Expires:



Elizabeth Carrero
My Commission DD082041
Expires February 18, 2005