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August 14, 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

RECEIVED-FPSC
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COMMISSION
CLERK

Re: **Docket No. 030001-EI**

Dear Ms. Bayó:

The final audit report, dated June 30, 2003, for the Commission Staff's audit of base costs for security and hedging (Audit Control No. 02-340-4-1) states that, if FPL wishes to respond to the audit report, it should file its response with your office. FPL has prepared a response, which it considers to be confidential. Accordingly, 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 Florida Power & Light Company's Response to Audit Disclosures (Audit Control No. 02-340-4-1), 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. Pursuant to Rule 25-22.006, F.A.C., I am also enclosing one highlighted and two redacted copies of FPL's audit response that is the subject of this request.

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

Sincerely,

Damaris Rodriguez for John T Butler

John T. Butler

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

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power) DOCKET NO. 030001-EI
Cost Recovery Clause with Generating)
Performance Incentive Factor) FILED: August 15, 2003

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
FLORIDA POWER & LIGHT COMPANY'S RESPONSE TO
AUDIT DISCLOSURES (AUDIT CONTROL NO. 02-340-4-1)**

NOW, BEFORE THIS 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 requests confidential classification of FPL's response (the "FPL Response") to Audit Disclosures No. 1-6 of the final audit report by the Commission's Division of Auditing and Safety, dated June 30, 2003, on the audit of base hedging and security costs, Audit Control No. 02-340-4-1 (the "Audit Report"). 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) 521-3910

John T. Butler
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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

2. The Audit Report describes the results of the Division of Auditing and Safety's audit of FPL's base security costs and hedging costs for the 12-month period ending December 31, 2002. It includes Audit Disclosures No. 1-6, which are redacted as confidential in the copy of the Audit Report that appears in the Commission's public file for this docket. The Audit Report advises that, if FPL wishes to submit a response, it should file the response with the Division of the Commission Clerk and Administrative Services. The FPL Response is the subject of this confidentiality request.

3. The following exhibits are included herewith and made a part hereof:

a. Exhibit A consists of a copy of the FPL Response on which all of FPL's substantive responses to Audit Disclosures No. 1-6 have been highlighted, because FPL seeks confidential for all of those responses. Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

b. Exhibit B consists of an edited version of the FPL Response on which all of the substantive responses have been redacted.

4. FPL seeks confidential protection for the information highlighted in Exhibit A. 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. 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.

5. The FPL Response contains and reflects information supplied by FPL to the Commission Staff, for which FPL has previously requested confidential treatment. *See* Request for Confidential Classification of Materials Provided Pursuant to Audit 02-340-4-1, filed in Docket No. 030001-EI on July 14, 2003 (the “July 14 Request”). The bases for FPL’s confidentiality request for that information are set forth in the July 14 Request and incorporated herein by reference. As discussed in the July 14 Request and accompanying exhibits in greater detail, the confidential information contains information relating to security measures, systems and procedures, which is protected against disclosure by Section 366.093(3)(c). It also contains information on FPL’s competitive interests, the disclosure of which would impair the competitive business of FPL. This confidential information is protected against disclosure by Section 366.093(3)(e). Finally, it contains contractual data such as pricing and other terms, payment records, and contractor/supplier rates, the disclosure of which would impair the efforts of FPL to contract for goods and services on favorable terms and/or would impair the competitive interests of the contractors. This confidential information is protected against disclosure by Section 366.093(3)(d).

6. As noted above, the public version of the Audit Report that is filed in this docket has the entire text of Audit Disclosures 1-6 redacted. FPL understands that this is because the Audit Disclosures refer to and reflect confidential information about FPL’s base security and hedging costs, and it would not be feasible to redact only limited portions of the text while still adequately protecting against disclosure of the confidential information. The same considerations apply to the FPL Response, which moreover quotes in detail portions of the text from the Audit Disclosures that have been redacted from the public version of the Audit Report. In order to continue providing adequate protection for the confidential information that FPL has supplied in connection with this

audit, the full substantive text of FPL's responses to Audit Disclosures No. 1-6 must be designated as confidential.

7. The information highlighted in Exhibit A is proprietary confidential business information within the meaning of section 366.093(3). Upon a finding by the Commission that such information is proprietary confidential business information, the information should not be declassified for a period of 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. *See* §366.093(4), Fla. Stat.

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavit included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

STEEL HECTOR & DAVIS LLP

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200 South Biscayne Boulevard
Suite 4000
Miami, Florida 33131-2398
Telephone: 305-577-7000

By: Damaris Rodriguez for John T Butler
John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE

I, THE UNDERSIGNED COUNSEL, HEREBY CERTIFY that a copy of Florida Power & Light Company's Request for Confidential Classification without exhibits*, has been served via first class mail, postage prepaid, or Federal Express (***) to the parties listed below, this 14th day of August 2003:

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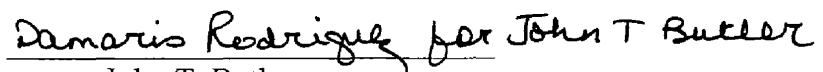
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John T. Butler

* Exhibits (redacted documents) furnished upon request