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August 26, 2003

- VIA HAND DELIVERY -

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 Materials Provided Pursuant to Audit No. 03-034-4-1, 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 the confidential documents that are the subject of this request.

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

Sincerely,

John T. Butler
for JTB
John T. Butler

Enclosure

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

MIA2001 230700v1

DOCUMENT NUMBER - DATE

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Miami West Palm Beach Tallahassee Naples Key West London Caracas São Paulo Rio de Janeiro Santo Domingo

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 26, 2003

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
MATERIALS PROVIDED PURSUANT TO AUDIT NO. 03-034-4-1**

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 certain materials provided to the Florida Public Service Commission (“FPSC” or “Commission”) staff (“Staff”) in connection with Audit Control No. 03-034-4-1 (hereinafter the “Audit”) in Docket 030001-EI. 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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2. During the Audit, Staff requested access to various FPL reports and other documents. By letter dated August 5, 2003, Staff indicated its intent to retain certain workpapers from the Audit that include information for which confidential treatment previously had been requested (the “Audit Workpapers”). Pursuant to Rule 25-22.006(3)(a), FPL was given twenty-one days from the date of that letter, or until August 26, 2003, within which to file a formal

request for confidential classification of the Audit Workpapers. FPL hereby makes such a request.

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

a. Composite Exhibit A consists of copies of the Audit Workpapers, on which all information that FPL asserts is entitled to confidential treatment has been highlighted. Composite Exhibit A is submitted separately in a sealed folder or carton marked "CONFIDENTIAL."

b. Composite Exhibit B consists of an edited version of the Audit Workpapers on which all information 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 on the Audit Workpapers for which confidential treatment is sought, and, with regard to each document or portions thereof, references to the specific statutory basis or bases for the claim of confidentiality and to the affidavits in support of the requested classification.

d. Exhibit D is a composite exhibit consisting of the affidavits of Rick Del Cueto, Korel Dubin, Dave Huss and Gerard Yupp.

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 information for which FPL seeks confidential classification, described in Exhibits C and D, includes internal audit reports and associated documents, which are protected against disclosure by section 366.093(3)(b). The confidential information also includes data related to fuel and purchased-power transactions and to FPL's practices and procedures for such transactions, 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 FPL and the contractors. This confidential information is protected against disclosure by sections 366.093(3)(d) and (e). Finally, the confidential information includes customer billing information, which FPL's long-standing policy is to keep confidential in order to protect customers' privacy and business interests. This customer billing information qualifies as proprietary confidential business information, because "disclosure of the information would cause harm to the ratepayers [*i.e.*, customers]..." in question. §366.093(3), Fla. Stat. Further support for FPL's confidentiality request is provided in the affidavits included as Exhibit D.

6. The information highlighted in Exhibit A, and referenced in Exhibit C, 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 affidavits included herewith, Florida Power & Light Company respectfully

requests that its Request for Confidential Classification be granted.

Respectfully submitted,

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By: *John T. Butler for JTB*
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 hand delivery (**) to the parties listed below, this 26th day of August 2003:

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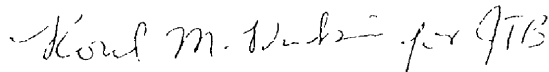
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John T. Butler

* Exhibits (redacted documents) furnished upon request