

ORIGINAL



R. Wade Litchfield
Senior Attorney
Florida Authorized House Counsel
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 691-7135 (Facsimile)

December 10, 2003

Writer's Direct Dial:
(561) 691-7101

VIA HAND DELIVERY

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
Betty Easley Conference Center, Room 110
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

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COMMISSION
CLERK

**Re: Florida Power & Light Company's First Request for Extension
of Confidential Classification Granted by Order No. PSC-02-0792-CFO-EI
Docket No: 020262-EI, Docket No. 020263-EI**

Dear Ms. Bayo:

I enclose and hand you herewith for filing in the above-referenced matter, the original and five (5) copies of Florida Power & Light Company's ("FPL") First Request for Extension of Confidential Classification Granted by Order No. 02-0792-CFO-EI. Appendices A and B from the previous filing subject to PSC Order No. 02-0792-CFO-EI are incorporated herein by reference.

Exhibit C contains the new Justification Table and Exhibit D contains the Affidavit of J.P. Stepenovitch in support of FPL's First Request for Extension of Confidential Classification. Also included herewith is a computer diskette containing FPL's Request for Confidential Classification in WordPerfect. Please contact me should you or your Staff have any questions regarding this filing.

Sincerely,

R. Wade Litchfield

AUS _____
CAF _____
CMP _____
COM _____
CTR _____
ECR
GCL
DPC _____
SEC
DTH _____
Marguerite
an FPL Group company

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R. v. N.

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

ORIGINAL

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Determination of Need)
for Proposed Electrical Power Plant in)
Martin County of Florida Power and)
Light Company)

DOCKET NO. 020262-EI

In re: Petition for Determination of Need)
For Proposed Electrical Power Plant in)
Manatee County of Florida Power and)
Light Company)

DOCKET NO. 020263

Filed: December 10, 2003

COMMISSION
CLERK

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**FLORIDA POWER & LIGHT COMPANY'S
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL
CLASSIFICATION GRANTED BY ORDER NO. PSC-02-0792-CFO-EI**

NOW, BEFORE THE 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 submits its First Request for Extension of Confidential Classification Granted by Order No. PSC-02-0792-CFO-EI of the Florida Public Service Commission ("FPSC" or "Commission"), issued in Docket Nos. 020262-EI and 020263-EI in connection with FPL's Petitions for Determination of Need for Martin Unit 8 and Manatee Unit 3. 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
(850) 521-3939 Facsimile

R. Wade Litchfield
Florida Power & Light Company
Senior Attorney
700 Universe Boulevard
Juno Beach, Florida 33408-0420
(561) 691-7101
(561) 691-7135 Facsimile

2. On May 22, 2002, FPL filed with the Commission its Request for Confidential Classification for Certain Documents and Information Filed in Connection with Its Response to Staff's First Set of Interrogatories. FPL's initial filing consists of the Request for Confidential Classification, Appendices A, B and C, and Exhibits D and E. By Order No. PSC-02-0792-CFO-EI, issued June 11, 2002, the Commission granted FPL's Request.

3. The period of confidential treatment granted by the Commission will soon expire. Some of the information that was the subject of FPL's May 22, 2002 Request warrants continued treatment as proprietary and confidential business information with the meaning of Section 366.093. Accordingly, FPL hereby submits its First Request for Extension of Confidential Classification, with respect to a subject of the information originally granted confidential treatment.

4. FPL adopts and incorporates by reference its May 22, 2002 Request, including Appendices A, and B. Included herewith and made a part hereof are Exhibits C and D. Exhibit C is the Justification Table and Exhibit D contains the Affidavit of J.P. Stepenovitch. The new Exhibits C and D replace Exhibits C, D and E submitted with the May 22, 2002 filing. The new

Exhibit C identifies the information that FPL continues to assert is confidential and also the information for which confidentiality no longer is requested.

5. The confidential information for which FPL seeks extension of confidential classification consists only of a portion of FPL's response to Interrogatory No. 40 of Staff's First Set of Interrogatories. Specifically, the portion of the response in question contains contractual information regarding potential vendors and the fact and status of certain negotiations. The disclosure of such information would impair FPL's competitive interests, impair the competitive interests of FPL's vendors and injury FPL's customers. FPL's customers would be injured by the disclosure of this information because disclosure would adversely affect FPL's ability to enter into competitively priced contracts with its vendors to the benefit of FPL's customers. As Mr. Stepenovitch states, the confidential character and substance of the information reflected in the prior filings has not changed, such that continued confidential treatment is warranted.

6. FPL submits that such information is proprietary confidential business information within the meaning of section 366.093(3). Pursuant to section 366.093, such materials are entitled to confidential treatment and are 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.

7. FPL requests that the information referenced above be accorded confidential classification for an additional 18-month period. FPL further requests that the information be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business.

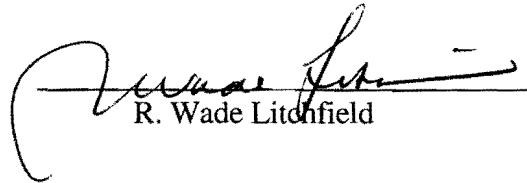
WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavit included herewith or incorporated herein by reference, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

Charles A. Guyton, Esq.
Florida Bar No. 398039
Steel Hector & Davis LLP
215 S. Monroe St., Suite 601
Tallahassee, Florida 32301
Tel: (850) 222-2300

R. Wade Litchfield
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700 Universe Boulevard
Juno Beach, Florida 33408-0420
Tel: (561) 691-7101
Fax: (561) 691-7135

Attorneys for Florida Power & Light Company Attorney for Florida Power & Light Company


R. Wade Litchfield

(Certificate of Service follows)

CERTIFICATE OF SERVICE
DOCKET NOS. 020262-EI and 020263-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing First Request for Extension has been furnished by U.S. Mail or Hand Delivery (*) to the following parties on this 10th day of December 2003:

Martha Carter Brown, Esq.
Legal Division
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Charles Beck
Office of Public Counsel
c/o Florida Legislature
111 W. Madison Street
Room 812
Tallahassee, Florida 32399-1400

Michael B. Twomey, Esq.
P. O. Box 5256
Tallahassee, FL 32314-5256

Florida Industrial Power Users Group
c/o John W. McWhirter
McWhirter Reeves
400 North Tampa Street, Suite 3350
Tampa, FL 33602

Florida Action Coalition Team
Ernie Bach
P. O. Box 100
Largo, FL 33779-0100

McWhirter Law Firm
Joseph McGlothlin/Vicki Kaufman/Perry
117 S. Gadsden St.
Tallahassee, FL 32301

Moyle Law Firm (Tall)
Jon Moyle/Cathy Sellers
118 North Gadsden Street
Tallahassee, FL 32301

Michael Green
1049 Edmiston Place
Longwood, FL 32779

Calpine Eastern Corporation
Timothy R. Eves/Joseph A. Regnery
2701 North Rocky Point Drive
Suite 1200
Tampa, FL 33607

Florida Partnership for Affordable Competitive
Energy
P. O. Box 11062
Tallahassee, FL 32301

Landers Law Firm
Scheffel Wright/D. Kiesling/J. LaVia
310 West College Avenue
Tallahassee, FL 32301

Leslie J. Paugh, P.A.
P.O. Box 16069
Tallahassee,, FL 32317-6069

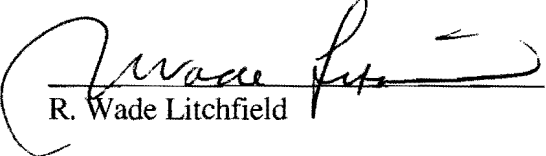

R. Wade Litchfield

EXHIBIT C

EXHIBIT C

Florida Power & Light Company Line-By-Line Confidentiality Justification

Page Number	Document Title	Conf Y/N	Line No/Col No.	Florida Statute 366.093(3) Subsection	Affiant
013 NDI	Attachment to FPL's Response to Interrogatory No. 23	N	lines 1- 13	-	Steve R. Sim
021 NDI	same	N	lines 1-13	-	Steve R. Sim
031 NDI	same	N	lines 1-8	-	Steve R. Sim
042 NDI	same	N	lines 1-10	-	Steve R. Sim
045 NDI	same	N	lines 1-13	-	Steve R. Sim
046 NDI	same	N	lines 1-15	-	Steve R. Sim

Page Number	Document Title	Conf Y/N	Line No/Col No.	Florida Statute 366.093(3) Subsection	Affiant
054 NDI	same	N	lines 1-8	-	Steve R. Sim
060 NDI	FPL's Response to Interrogatory No. 40	N	paragraphs 1-2	-	J.P. Stepenovitch
060 NDI	same	Y	paragraphs 3-4	(d) & (e)	J.P. Stepenovitch
061 NDI	same	Y	paragraphs 4-7	(d) & (e)	J.P. Stepenovitch
062NDI	FPL's Response to Interrogatory No. 41	N	paragraph A	-	J.P. Stepenovitch

EXHIBIT D

AFFIDAVIT

EXHIBIT D

STATE OF FLORIDA)
)
)
PALM BEACH COUNTY) AFFIDAVIT OF J.P. STEPENOVITCH
) Date: December 9, 2003

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), Energy Marketing and Trading (EMT) Division, as Director of Wholesale Operations. In my role as Director of a group that is responsible for energy marketing and trading, I provided the answer to interrogatory no. 40.

2. I am familiar with the Confidential Appendix A. I have reviewed FPL's First Request for Extension for Confidential Classification Granted by Order No. PSC-02-0792-CFO-EI. The representations FPL makes therein regarding Confidential Information are true and correct. The information that FPL identifies therein as Confidential Information is proprietary and confidential, the disclosure of which would be harmful to FPL, FPL's vendors and FPL's customers. This information is treated by FPL as confidential. FPL seeks to protect contractual information with its vendors as confidential. This information discusses the fact and status of particular contractual negotiations, the disclosure of which would impair the competitive interests of FPL and FPL's vendors. In particular, disclosure could impair FPL's ability to enter into competitively priced contracts with its vendors, which would ultimately harm FPL's customers. Nothing has changed that would alter the confidential character of the information.

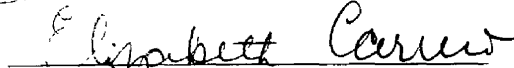
3. Consistent with the provisions of the Florida Administrative Code, such materials should continue to remain confidential for an additional period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can maintain the confidentiality of these documents.

4. Affiant says nothing further.




Joseph P. Stepenovitch

~~SWORN TO AND SUBSCRIBED~~ before me this 24th day of December, 2003, by Joseph P. Stepenovitch, who is personally known to me or who has produced _____ (type of identification) as identification.



Notary Public, State of Florida

My Commission Expires:

 Elizabeth Carrero
My Commission DD002041
Expires February 18, 2005