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December 16, 2004

-VIA OVERNIGHT DELIVERY-

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

RECEIVED FPSC
09 DEC 17 AM 10:47
COMMISSION
CLERK

Re: ~~Docket No.~~ **040001-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 ("FPL") Notice of Intent to Seek Confidential Classification (Staff's Third Request for Production of Documents), together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows XP, and the word processing software in which the document appears is Word 2000. Please note that a copy of the documents responsive to the production request, with the confidential portions highlighted, is enclosed with the original of the Notice.

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

- CMP _____
- COM _____
- CTR _____
- ECR 1
- GCL _____
- OPC _____
- MMS _____
- RCA _____
- SCR _____
- SEC _____
- OTH Conf records

Enclosures

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

MIA2001 366166v1

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

Sincerely,

John T. Butler

This docketed notice of intent was filed with Confidential Document No. 13244-04. The document has been placed in confidential storage pending timely receipt of a request for confidentiality.

DOCUMENT NUMBER-DATE

13243 DEC 18 04

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 040001-EI
Dated: December 16, 2004

**FLORIDA POWER & LIGHT COMPANY'S NOTICE
OF INTENT TO SEEK CONFIDENTIAL CLASSIFICATION
(STAFF'S THIRD REQUEST FOR PRODUCTION OF DOCUMENTS)**

Pursuant to Section 366.093, Florida Statutes and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby files this Notice of Intent to Seek Confidential Classification of certain documents responsive to Staff's Third Request for Production of Documents (Nos. 10-12), and states:

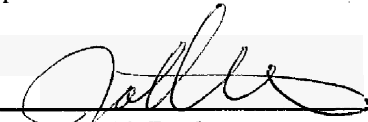
Request Nos. 10 through 12 seek discovery of confidential, proprietary business information of FPL. (A copy of Staff's Third Request for Production of Documents is attached, to the original only.) Accordingly, FPL hereby gives notice of its intent to seek confidential classification with respect to its responses pursuant to Rule 25-22.006(3)(a), Florida Administrative Code.

Contemporaneously herewith, FPL is serving its response to Staff's Third Request for Production of Documents.

Respectfully submitted,

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

Steel Hector & Davis LLP
Attorneys for Florida Power & Light
Company
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Telephone: 305-577-2939

By: 
John T. Butler
Florida Bar No. 283479

CERTIFICATE OF SERVICE
Docket Nos. 040001-EI

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Notice of Intent to Seek Confidential Classification (Staff's Third Request for Production of Documents) has been furnished by overnight delivery (*) or United States Mail on this 16th day of December, 2004, to the following:

Adrienne E. Vining, Esq.(*)
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Patricia Christensen, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399

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James D. Beasley, Esq.
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P.O. Box 391
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James A. McGee, Esq.
Progress Energy Florida, Inc.
P.O. Box 14042
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Floyd R. Self, Esq.
Messer, Caparello & Self
Attorneys for FPUC
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Attorneys for Gulf Power
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Pensacola, Florida 32576-2950

Jon C. Moyle, Jr., Esq.
Moyle, Flannigan, Katz,
Raymond & Sheehan, P.A.
The Perkins House
118 North Gadsden Street
Tallahassee, Florida 32301

By: _____


John T. Butler

BEFORE THE PUBLIC SERVICE COMMISSION

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

DOCKET NO. 040001-EI

DATED: NOVEMBER 16, 2004

STAFF'S THIRD REQUEST FOR PRODUCTION OF DOCUMENTS TO
FLORIDA POWER & LIGHT COMPANY (NOS. 10 - 12)

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, the Staff of the Florida Public Service Commission, by and through its undersigned attorney, hereby serves the following Request for Production of Documents upon Florida Power & Light Company.

Please produce the following documents at the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, no later than thirty days after service of this request for the purpose of inspection and copying.

DEFINITIONS

As used herein, the word "documents" shall mean the original and any non-identical copies of any writing or record, including but not limited to a book, pamphlet, periodical, letter, memorandum, telegram, report, study, interoffice or intraoffice, handwritten or other notes, working paper, draft, application, permit, chart, paper, graph, survey, index, tape, disc, data sheet or data processing card, computer printout, or any other written, recorded, transcribed, filed or graphic matter, however produced or reproduced.

DOCUMENTS REQUESTED

10. Please provide a copy of each contract for fuel or fuel transportation that the utility has entered into since January 1, 2004.

11. For each contract referenced in Request for Production of Documents No. 10, please provide a copy of each solicitation of bids for fuel or fuel transportation that the utility requested.

12. Please provide a copy of each response to each bid solicitation referenced in Request for Production of Documents No. 11.

ADRIENNE E. VINING
Senior Attorney
FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
(850) 413-6183

BEFORE THE PUBLIC SERVICE COMMISSION

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

DOCKET NO. 040001-EI

DATED: NOVEMBER 16, 2004

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one correct copy of STAFF'S THIRD REQUEST FOR PRODUCTION OF DOCUMENTS TO FLORIDA POWER & LIGHT COMPANY (NOS. 10-12) has been served by electronic mail and U. S. Mail to John T. Butler, Steel, Hector & Davis Law Firm, 200 South Biscayne Blvd., Miami, Florida 33131-2398, on behalf of Florida Power & Light Company, and that a true and correct copy thereof has been furnished to the following, by U. S. Mail, this 16th day of November, 2004:

Ausley & McMullen Law Firm
James Beasley/Lee Willis
P. O. Box 391
Tallahassee, FL 32302

Florida Power & Light Company
Bill Walker
215 South Monroe Street, Ste. 810
Tallahassee, FL 32301-1859

Florida Industrial Power Users Group
c/o John McWhirter, Jr.
McWhirter Reeves Law Firm
400 N. Tampa Street, Ste. 2450
Tampa, FL 33602

Florida Public Utilities Company
George Bachman
P. O. Box 3395
West Palm Beach, FL 33402-3395

Gulf Power Company
Susan D. Ritenour
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Pensacola, FL 32520-0780

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Vicki G. Kaufman
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Office of Public Counsel
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111 West Madison Street, #812
Tallahassee, FL 32399-1400

CERTIFICATE OF SERVICE
DOCKET NO. 040001-EI
PAGE 2

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