



Natalie F. Smith
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Florida Power & Light Company
700 Universe Boulevard
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April 12, 2005

VIA HAND DELIVERY

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

Re: First Request for Extension of Confidential Classification of Materials Provided
in the Environmental Cost Recovery Clause Audit No. 03-030-4-1

Dear Ms. Bayó:

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 of Materials Provided in the Environmental Cost Recovery Clause Audit No. 03-030-4-1. Exhibits A, B, and C from the previous filing subject to PSC Order No. 03-1142-CFO-EI are incorporated herein by reference.

Exhibit D contains the Affidavit in support of FPL's First Request for Extension of Confidential Classification. Also included herewith is a computer diskette containing FPL's First Request in Word format. Please contact me should you or your Staff have any questions regarding this filing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Natalie F. Smith', written over a light-colored rectangular background.

Natalie F. Smith

NFS:ec
Enclosures

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental Cost
Recovery Clause.

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DOCKET NO. 050007-EI

FILED: April 12, 2005

**FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL
CLASSIFICATION OF MATERIALS PROVIDED IN
THE ENVIRONMENTAL COST RECOVERY CLAUSE AUDIT NO. 03-030-4-1**

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 of certain material provided to the Florida Public Service Commission ("FPSC" or "Commission") staff ("Staff") in connection with the Environmental Cost Recovery Clause Audit (Audit Control No. 03-030-4-1) (the "Audit"). In support of its First 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 Telephone
(850) 521-3939 Facsimile

R. Wade Litchfield, Senior Attorney
Natalie F. Smith, Attorney
Florida Power & Light Company
700 Universe Boulevard
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2. On July 28, 2003, FPL filed its Request for Confidential Classification of certain materials obtained during the Audit. FPL's initial filing consists of the Request for Confidential Classification and Exhibits A through D.

3. By Order No. PSC-03-1142-CFO-EI, dated October 13, 2003, the Commission granted FPL's request.

4. The period of confidential treatment granted by the Commission will soon expire. The information that was the subject of FPL's July 28, 2003 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.

5. FPL incorporates herein by reference Exhibits A, B and C from its initial filing.

6. Included herewith and made a part hereof is Exhibit D. Exhibit D consists of the Affidavit of Roger F. Messer which Affidavit shall replace Exhibit D previously filed.

7. 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.

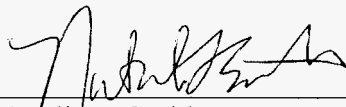
8. FPL seeks confidential protection for the information highlighted in Exhibit A. As the affidavit of Roger F. Messer indicates, the highlighted information consists of contractual data such as pricing and other terms, the disclosure of which would impair the efforts of FPL to

contract for goods and services on favorable terms. In addition, the information is competitively sensitive insofar as FPL's contractors and vendors are concerned where disclosure of such information could afford their competitors an unfair advantage in competing for both FPL and non-FPL contracts. Accordingly, FPL seeks confidential treatment for such information pursuant to sections 366.093(3)(d) and/or (e).

9. FPL requests that the information referenced above in this request 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, including those set forth in the supporting materials and affidavits included herewith, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification be granted.

Respectfully submitted,



Natalie F. Smith
Attorney for Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Tel. (561) 691-7207
Fax: (561) 691-7135

CERTIFICATE OF SERVICE

I, THE UNDERSIGNED COUNSEL, HEREBY CERTIFY that a copy of Florida Power & Light Company's First Request for Confidential Classification without exhibits, has been served via first class mail, postage prepaid to the parties listed below, this 12th day of April, 2005:

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

Beggs & Lane Law Firm
Jeffery Stone/Russell Badders
P.O. Box 12950
Pensacola, FL 32591-2950

Florida Industrial Power Users Group
(McWhirter)
John W. McWhirter, Jr.
c/o McWhirter Reeves
400 North Tampa Street, Suite 2450
Tampa, FL 33601-3350

Gulf Power Company
Ms. Susan D. Ritenour
One Energy Place
Pensacola, FL 32520-0780

Hopping Law Firm
Gary V. Perko
P.O. Box 6526
Tallahassee, FL 32314

McWhirter Law Firm
Tim Perry
117 S. Gadsden St.
Tallahassee, FL 32301

Office of Public Counsel
Harold McLean/Patricia Christensen
c/o The Florida Legislature
111 West Madison St., Room 812
Tallahassee, FL 32399-1400

Progress Energy Florida, Inc. (McGee)
James A. McGee
P.O. Box 14042
Saint Petersburg, FL 33733-4042

Tampa Electric Company
Ms. Angela Llewellyn
Administrator, Regulatory Coordination
P. O. Box 111
Tampa, FL 33602



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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental Cost Recovery Clause.) DOCKET NO. 050007-EI) FILED: April 12, 2005

STATE OF FLORIDA) AFFIDAVIT OF ROGER F. MESSER) COUNTY OF PALM BEACH)

BEFORE ME, the undersigned authority, personally appeared Roger F. Messer, who first being duly sworn, deposes and states:

- 1. My name is Roger F. Messer. I am employed by Florida Power & Light Company ("FPL") as Manager, Environmental Support.
2. I have reviewed the information for which I am listed in Exhibit C as Affiant and which is included in Exhibit A to FPL's Request For Confidential Classification of Materials Provided in the Environmental Cost Recovery Clause Audit No. 03-030-4-1. Documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute contractual data such as pricing and other terms, the disclosure of which would impair the efforts of FPL to contract for goods and services on favorable terms. Similarly, disclosure of the information could impair the competitive business of the counter party or service provider.
3. No significant changes have occurred since the issuance of Order No. PSC-03-1142-CFO-EI, dated October 13, 2003, to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than eighteen months. In addition, these materials 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.

Handwritten signature of Roger F. Messer above a horizontal line, with the printed name 'Roger F. Messer' below it.

SWORN TO AND SUBSCRIBED before me this 4th day of April 2005, by Roger F. Messer, who is personally known to me or who has produced N/A (type of identification) as identification and who did take an oath.

Handwritten signature of the Notary Public above a horizontal line, with the printed name 'Notary Public, State of Florida' below it.

My Commission Expires:

