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Florida Power & Light Company, P.O. Box 029100, Miami, FL 33102-9100

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RECEIVED: FPSC

AUG -3 AM 10:29

COMMISSION
CLERK

August 2, 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

05 AUG -3 AM 10:29
RECEIVED: FPSC

Re: Florida Power & Light Company's Request for Confidential Classification
In re: Petition for rate increase by Florida Power & Light Company
In re: 2005 Comprehensive Depreciation Studies by Florida Power & Light Company -
Docket No. 050045-EI / Docket No. 050188-EI

Dear Ms. Bayó:

Enclosed for filing are the original and two (2) copies of Florida Power & Light Company's (FPL's) Request for Confidential Classification. FPL seeks confidential treatment for certain documents responsive to discovery requests of the Staff ("Staff") of the Florida Public Service Commission in connection with FPL's Petition for rate increase. The original includes Exhibits A, B, C and D. The two copies only include Exhibits B, C and D.

Exhibit A consists of copies of all documents for which FPL seeks confidential treatment, whether in whole or in part. All information in Exhibit A that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit A is submitted for filing in a separate, sealed folder marked "EXHIBIT A - CONFIDENTIAL." Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C consists of FPL's justification for its Request for Confidential Classification. Exhibit D contains an affidavit in support of FPL's Request for Confidential Classification. Also included in this filing is a computer diskette containing FPL's Request for Confidential Classification and Exhibit C in Word format.

- CMP _____
- COM _____
- CTR _____
- ECR 1
- GCL 1
- OPC _____
- RCA _____
- SCR _____
- SGA _____
- SEC 1
- OTH conf records

In accord with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information in Exhibit A pending disposition of FPL's Request for Confidential Classification. Please do not hesitate to contact me should you or your Staff have any questions regarding this filing.

Sincerely,

David M. Lee

DM:ec
Enclosures
cc: Service List

DOCUMENT NUMBER-DATE

07489 AUG-3 05

ORIGINAL

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by)
Florida Power & Light Company.)

Docket No. 050045-EI

In re: 2005 comprehensive depreciation)
study by Florida Power & Light Company.)

Docket No. 050188-EI

Filed: August 2, 2005

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

NOW, BEFORE THIS COMMISSION, through undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093, Florida Statutes, hereby requests confidential classification of certain documents responsive to discovery requests of the Staff ("Staff") of the Florida Public Service Commission served on FPL in these consolidated dockets. In support of its request, FPL states as follows:

1. The confidential information is contained in documents responsive to Staff's Second Request for Production of Documents, No. 21.
2. The following exhibits are included herewith and made a part hereof:
 - a. Exhibit A consists of all documents for which FPL seeks confidential treatment, whether in whole or in part. All information in Exhibit A that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."
 - b. Exhibit B consists of edited versions of all documents for which FPL seeks confidential treatment. All information for which FPL requests confidential treatment has been

redacted in Exhibit B.

c. Exhibit C is a table containing a line-by-line and page-by-page identification of the information 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. Exhibit C is sometimes referred to hereinafter as the “Justification Table.”

d. Composite Exhibit D is the affidavit of Rosemary Morley in support of this request.

3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of section 366.093(3), Florida Statutes. To the best of FPL’s knowledge, the highlighted information has not been publicly disclosed. Pursuant to section 366.093, Florida Statutes, 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.

4. As the affidavits indicate, the confidential information consists of information relating to customer specific information. If publicly disclosed, this information would harm the competitive interests of FPL and/or its customers and would invade the privacy of FPL’s customers. This information is protected by Section 366.093(3)(e), Florida Statutes.

5. The proprietary, confidential business information for which FPL requests confidential classification consists of customer-specific account information for which FPL has a corporate policy against disclosure, as well as information the disclosure of which could allow

someone to arrive at confidential information when coupled with other information that is publicly available. FPL's policy against disclosure of customer-specific account information includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh and billing amounts. FPL treats such information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer absent the customer's permission.

6. FPL's policy is premised upon customers' right to privacy and the potential that the disclosure of customer-specific information may harm some customers' competitive interests or disclose their trade secrets. FPL's customers have affirmed to FPL their interest in having this information maintained confidential. For many of these customers, electric usage is an important part of their production or operating costs. Thus, the disclosure of rate or contract information, as well as consumption levels or patterns, could provide competitors with commercially sensitive information that would afford such competitors an unfair advantage. For others, non-disclosure of the information is simply a matter of privacy. While it may be that the disclosure of such information may be more sensitive for some customers than for others, FPL has not sought to make a case-by-case determination as to the level of sensitivity or potential harm with respect to disclosing a particular customer's information; rather, in deference to its customers, as a matter of policy, and in the interest of customer privacy, FPL has not disclosed to third parties specific rate and contract information for customers unless required by law or unless the customer consents to such disclosure. This policy is important from both a practical and theoretical standpoint. Customers want the assurance that their information is protected to the same extent as any other customer's. Also, practically speaking, it would be a difficult and perhaps impossible task to make a case-by-case determination as to what level of protection each customer's data may merit.

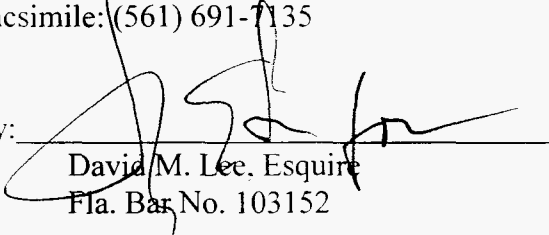
7. Upon a finding by the Commission that the material in Exhibit A for which FPL seeks confidential treatment is proprietary confidential business information within the meaning of section 366.093(3), pursuant to section 366.093(4) such materials should not be declassified for a period of at least eighteen (18) months and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business.

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 this 2nd day of August, 2005.

R. Wade Litchfield, Esquire
Natalie F. Smith, Esquire
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 691-7207
Facsimile: (561) 691-7135

By: _____

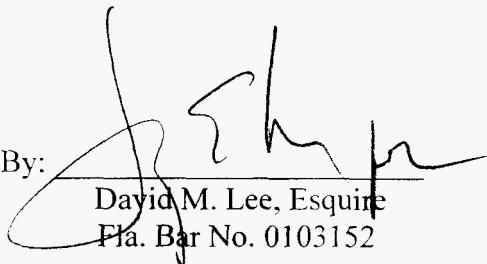

David M. Lee, Esquire
Fla. Bar No. 103152

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing, without attachments, has been furnished by United States Mail this 2nd day of August, 2005 to the following:

Wm. Cochran Keating, IV, Esquire Katherine E. Fleming, Esquire Jeremy Susac, Esquire Florida Public Service Commission Division of Legal Services Gerald L. Gunter Building 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850	Harold A. McLean, Esquire Charles J. Beck, Esquire Office of Public Counsel c/o The Florida Legislature 111 W. Madison Street, Room 812 Tallahassee, FL 32399-1400
John W. McWhirter, Esquire c/o McWhirter Reeves, P.A. 400 North Tampa Street, Suite 2450 Tampa, Florida 33602 Attorneys for the Florida Industrial Power Users Group	Timothy J. Perry, Esquire McWhirter Reeves, P.A. 117 South Gadsden Street Tallahassee, Florida 32301 Attorneys for the Florida Industrial Power Users Group
Miami-Dade County Public Schools * c/o Jaime Torrens Dist. Inspections, Operations and Emergency Mgt. 1450 N.E. 2nd Avenue Miami, Florida 33132	D. Bruce May, Jr., Esquire * Holland & Knight, LLP Post Office Drawer 810 Tallahassee, Florida 32302-0810 Attorneys for Miami-Dade County Public Schools
David Brown, Esquire McKenna Long & Aldridge LLP One Peachtree Center 303 Peachtree Street, N.E., Suite 5300 Atlanta, Georgia 30308 Attorneys for The Commercial Group	Michael B. Twomey, Esquire P.O. Box 5256 Tallahassee, Florida 32314-5256 Attorney for AARP

<p>Robert Scheffel Wright, Esquire John T. LaVia, III, Esq. Landers & Parsons, P.A. 310 West College Avenue Tallahassee, Florida 32301 Attorneys for Florida Retail Federation</p>	<p>Major Craig Paulson, Esquire AFCESA/ULT 139 Barnes Drive Tyndall Air Force Base, Florida 32403 Attorney for Federal Executive Agencies</p>
<p>Mark F. Sundback, Esquire Kenneth L. Wiseman, Esquire Gloria J. Halstead, Esquire Jennifer L. Spina, Esquire Andrews & Kurth LLP 1701 Pennsylvania Avenue, NW Suite 300 Washington, D.C. 20006 Attorneys for South Florida Hospital and Healthcare Association</p>	<p>Mr. Stephen J. Baron Mr. Lane Kollen J. Kennedy Associates, Inc. 570 Colonial Park Drive Suite 305 Roswell, GA 30075 Consultants for South Florida Hospital and Healthcare Association</p>

By: 
David M. Lee, Esquire
Fla. Bar No. 0103152

* Indicates interested party