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Florida Power & Light Company, P. O. Box 14000, Juno Beach, FL 33408-0420
Law Department

Writer's Direct Dial:
(561) 304-5134
(561) 691-7305 (Fax)
Patrick.Bryan@fpl.com (Email)

August 18, 2005

VIA HAND DELIVERY

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

RECEIVED-FPSC
05 AUG 18 PM 1:13
COMMISSION
CLERK

050557-EI

Re: In the Matter of Florida Power & Light Company's Request for Confidential Classification in Connection with the Florida Public Service Commission Staff Preliminary Review of Vegetation Management, Lightning Protection and Pole Inspection Florida Power & Light Company June 2005

Dear Ms. Bayo:

I enclose for filing an original and two (2) copies of Florida Power & Light Company's ("FPL") Request for Confidential Classification in Connection with the Florida Public Service Commission Staff Preliminary Review of Vegetation Management, Lightning Protection and Pole Inspection. The original includes Exhibits A, B, C and D. The two copies include only Exhibits B, C, and D.

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

Exhibit A contains the confidential information that is the subject of FPL's Request for Confidential Classification. Exhibit A is submitted for filing in a separate, sealed folder or carton marked "EXHIBIT A - CONFIDENTIAL". Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been blocked out; Exhibit C contains 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 is a computer diskette containing the electronic version of FPL's Request for Confidential Classification (in Microsoft Word 2002 format), and Exhibit C (in Microsoft Word 2002 format).

RECEIVED & FILED
[Signature]

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
08039 AUG 18 05
FPSC-COMMISSION CLERK

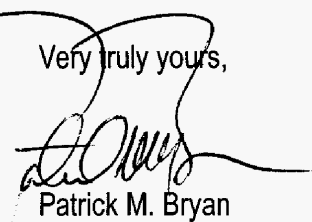
Ms. Blanca S. Bayo
August 18, 2005
Page 2 of 2

Pursuant to Rule 25-22.006(3)(d) of the Florida Administrative Code, FPL requests confidential treatment of the documents in Exhibit A pending disposition of FPL's Request for Confidential Classification.

Finally, enclosed is an additional copy of FPL's Request for Confidential Classification. Please file stamp this additional copy and return to FPL at your convenience in the enclosed envelope.

Please do not hesitate to contact me should you have any questions regarding this filing. Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Patrick M. Bryan", with a large, sweeping flourish above it.

Patrick M. Bryan
Attorney for
Florida Power & Light Company

PMB/dju
Enclosures

cc: Mr. R. Lynn Fisher, Project Manager
Florida Public Service Commission
Division of Competitive Markets and Enforcement
Bureau of Regulatory Review

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In the Matter of Florida Power & Light Company's)
Request for Confidential Classification)
In Connection with the Florida Public Service)
Commission Staff Preliminary Review of)
Vegetation Management, Lightning Protection)
and Pole Inspection Florida Power & Light)
Company June 2005)
_____)

Docket No. _____

Filed: August 18, 2005

**REQUEST FOR CONFIDENTIAL CLASSIFICATION IN CONNECTION WITH FLORIDA PUBLIC
SERVICE COMMISSION STAFF PRELIMINARY REVIEW OF
VEGETATION MANAGEMENT, LIGHTNING PROTECTION AND POLE INSPECTION**

NOW, BEFORE THIS COMMISSION, through the undersigned counsel, comes Florida Power & light Company ("FPL") and, pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093 of the Florida Statutes, hereby requests confidential classification of certain work papers provided to the Florida Public Service Commission ("FPSC" or "Commission") staff ("Staff") in connection with its Preliminary Review of Vegetation Management, Lightning Protection and Pole Inspection Florida Power & Light Company June 2005 (hereinafter the "Preliminary Review"). In support of its request, FPL states as follows:

1. During the Preliminary Review, Staff requested access to various FPL reports and other documents. Staff indicated its intent to retain certain work papers. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL is permitted to file a formal request for confidential classification with respect to such work papers.
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 affidavit in support of the requested classification. Exhibit C is sometimes referred to hereinafter as the "Justification Table".

(d) Exhibit D is an affidavit of J. H. Rutig 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.

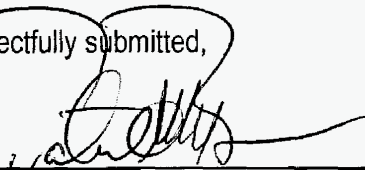
4. As the affidavit comprising Exhibit D indicates, certain highlighted information consists of information concerning bids or other contractual data, including contractual vendor data,

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 the future to the detriment of FPL and its customers. This information is protected by Section 366.093(3)(d), Florida Statutes. In addition, certain information is competitively sensitive insofar as FPL's contractors and vendors are concerned insofar as disclosure of such information could afford their competitors an unfair advantage in competing for both FPL and non-FPL contracts. This competitively sensitive information is proprietary confidential business information pursuant to Section 366.093(3)(e), Florida Statutes.

5. 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,



Patrick M. Bryan
Attorney for Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5134 (Telephone)
(561) 691-7305 (Facsimile)
FL Bar No. 0457523

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Request for Confidential Classification in Connection with the Florida Public Service Commission Staff Preliminary Review of Vegetation Management, Lightning Protection and Pole Inspection Florida Power & Light Company June 2005, without Exhibits A, B, and D, was hand delivered this 18th day of August, 2005.

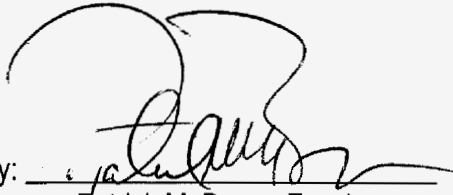
By: 
Patrick M. Bryan, Esquire
FL Bar No. 0457523

EXHIBIT B

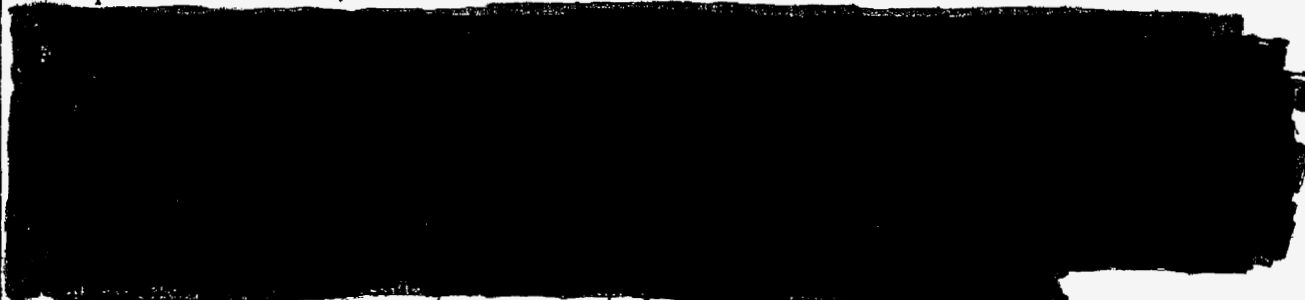
Bureau of Regulatory Review
Interview Summary

4 Company: FPL	Interview Number: 4
5 Area: Vegetation Management- Asplundh	File Name: i:\esq3\document
6 Auditor(s): Fisher	summaries\FPL\Ivs3A.doc
7 Name and Title: Eugene Wyatt	Date of Interview: March 16, 2005
8 VP and Regional Manager for Asplundh Tree Expert	Location: Broward Co.
9 Co.	Telephone Number:

10 (1) Purpose of interview: To understand the contractor's duties, responsibilities and methodology for
11 completing FPL tree trimming, and to understand the processes for scheduling, billing and reconciling work

12 (2) Interview Summary:

13 1. Eugene has been with Asplundh 28 years and has been in the FPL Florida operation since January 2004;
14 Eugene is responsible for 2/3 of the Florida operation; another manager handles TECO, FPUC, Gulf and
15 Progress; Asplundh has approximately 1100 employees working in Florida w/about 925 working FPL and
16 municipals on the east coast;



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26 3. Transmission has 22 crews (50 employees) for maintenance and reactive work

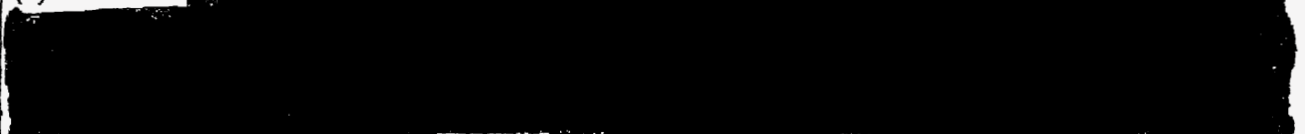
27 4. Maintenance work is prioritized by FPL by reliability (outage/circuit) and last trimmed date to keep on cycle
28 if possible; work is given 12 months ahead of time with priority changes by FPL if needed; work is assigned by
29 substation and completed by feeder and lateral; they do not do 100% of every substation; trim is based on a 3
30 yr. cycle and Asplundh is measured on miles of circuit trimmed in 12 months on a cost per mile.

31 5. FPL's QC group checks trim and removal completed to assure specs are followed; if the crew misses
32 anything or work is not to specification the work is reassigned as a re-work and Asplundh has 14 days to
33 complete all re-works; if a discrepancy occurs in billing it is resolved through J.M. Spartman at FPL working
34 with Asplundh billing, or at a local level by the Asplundh supervisor or manager with FPL.

35 6. Weekly timesheets per crew are provided to FPL and a copy is sent to Asplundh in Willow Grove PA, and
36 the invoice is sent to FPL electronically; an insufficient clearance log is presented to FPL if customers refuse to
37 allow trimming or removal of trees when necessary;

38 7. A new contract starts January 1, 2006 that will be priced on a per foot of brush or price per tree basis;
39 Eugene believes work units would be a more accurate method of measuring productivity and billing for
40 vegetation management.

41 (3) Conclusions:



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46 b.) Transmission has 22 crews (50 employees) for maintenance and reactive work c.)
47 Maintenance work is prioritized by FPL by reliability (outage/circuit) and last trimmed date to keep on cycle if
48 possible; work is given 12 months ahead of time with priority changes by FPL if needed; work is assigned by
49 substation and completed by feeder and lateral; they do not do 100% of every substation; trim is based on a 3
50 yr. cycle and Asplundh is measured on miles of circuit trimmed in 12 months on a cost per mile d.) FPL's QA
51 group checks trim and removal completed to assure specs are followed; if the crew misses anything or work is

EXHIBIT C

EXHIBIT D

EXHIBIT D

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In The Matter of Florida Power & Light)
Company's Request for Confidential)
Classification in Connection with the)
Florida Public Service Commission Staff)
Preliminary Review of Vegetation)
Management, Lighting Protection and)
Pole Inspection Florida Power & Light)
Company June 2005)

Docket No. _____

FILED: 8/18/2005

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

AFFIDAVIT OF JIM RUTIG

BEFORE ME, the undersigned authority, personally appeared Jim Rutig who, being first duly sworn, deposes and says:

1. My name is Jim Rutig. I am currently employed by Florida Power & Light Company ("FPL") as Manager, Vegetation Management, Distribution Business Unit. My business address is 7200 N.W. 4 Street, Plantation, Florida, Broward County. I have personal knowledge of the matters stated in this affidavit.
2. With respect to Exhibit C, I have reviewed the documents and information or which I am listed as Affiant which are included in Exhibit A to FPL's Request for Confidential Classification. The documents or materials that I have reviewed and which, in whole or in part, are asserted by FPL to be proprietary confidential business information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. The documents also contain information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.
3. Affiant says nothing further.




Jim Rutig

SWORN TO AND SUBSCRIBED before me this 8th day of August 2005, by Jim Rutig, who is personally known to me and who did take an oath.



Notary Public, State of Florida

My Commission Expires: NOV. 17, 2008

NOTARY PUBLIC-STATE OF FLORIDA
 **Michael A. Hernande**
Commission # DD37292
Expires: NOV 17, 2008
Bonded Thru Atlantic Bonding Co., Inc