

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

) **Docket No. 060001-EI**
) **Filed: January 23, 2006**
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**FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL
CLASSIFICATION OF CERTAIN INFORMATION RESPONSIVE TO STAFF'S
TENTH SET OF INTERROGATORIES (NOS. 84-93)**

Florida Power & Light Company ("FPL"), pursuant to Rule 25-22.006, F.A.C., and Section 366.093, Florida Statutes, requests confidential classification of certain information contained in its answers to Staff's Tenth Set of Interrogatories (the "Confidential Discovery Responses"). In support of its Request, FPL states as follows:

1. FPL served its answers to Staff's Tenth Set of Interrogatories on Friday, January 20, 2006. The answers will be delivered to Staff on Monday, January 23, 2006. This Request is being filed contemporaneously with the delivery of the answers to Staff and is intended to request confidential classification of the Confidential Discovery Responses consistent with Rule 25-22.006.

2. The following exhibits are included with this Request:

a. Composite Exhibit A consists of a copy of the Confidential Discovery Responses, in which all information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

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b. Composite Exhibit B consists of two copies of the Confidential Discovery Responses in which all information that FPL asserts is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A, together with references to the specific statutory bases for the claim of confidentiality and to the affidavit in support of the requested classification.

d. Exhibit D is the affidavit of Gerard Yupp, who is the Director of Wholesale Operations in FPL's Energy Marketing and Trading Division. The affidavit attests to the asserted bases for confidential classification.

3. FPL seeks confidential protection for the information highlighted in Exhibit A. The highlighted information is confidential because it relates to bids and other contractual data, the disclosure of which would impair FPL's ability to contract for fuel and fuel-related services on favorable terms, *see* § 366.093(3)(d), Fla. Stat; and because it relates to competitive interests of FPL and of vendors from whom FPL purchases or has considered purchasing fuel and fuel-related services, the disclosure of which would impair their competitive businesses, *see* § 366.093(3)(e), Fla. Stat..

4. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3). Pursuant to Section 366.093, such information is entitled to confidential treatment and is exempt from the disclosure provisions of the public records law.

5. The highlighted information in Exhibit A is intended to be and is treated by FPL as private, and its confidentiality has been maintained.

6. Upon a finding by the Commission that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), pursuant to Section 366.093(4) such information should not be declassified for 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, FPL respectfully requests confidential classification of the Confidential Discovery Responses.

Respectfully submitted,

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CERTIFICATE OF SERVICE
Docket No. 060001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Request of Florida Power & Light Company for Confidential Classification has been served by express delivery (*) or United States Mail this 20th day of January, 2006, to the following:

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