

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: March 1, 2006

FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION OF SHORT TERM CAPACITY PAYMENT INFORMATION

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 on short term capacity payments contained in Schedule A12 of Appendix II to the prepared testimony of FPL witness K.M. Dubin (the "Confidential Information"). In support of its Request, FPL states as follows:

1. This Request is intended to request confidential classification of the Confidential Information consistent with Rule 25-22.006.
2. The following exhibits are included with this Request:
 - a. Composite Exhibit A consists of a copy of Schedule A12, in which all of the Confidential Information has been highlighted. Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."
 - b. Composite Exhibit B consists of two copies of Schedule A12 in which all of the Confidential Information has been redacted. A copy of this redacted Schedule A12 is included in the bound copy of the prepared testimony of FPL witness K.M. Dubin.

DOCUMENT NUMBER-DATE

01797 MAR-1 8

FPSC-COMMISSION CLERK

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

d. Exhibit D consists of the affidavit of Mr. 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 of the Confidential Information.

3. FPL seeks confidential protection for the Confidential Information. That information is confidential because it relates to pricing for short-term capacity purchases, the disclosure of which would impair FPL's ability to contract for capacity on favorable terms, *see* § 366.093(3)(d), Fla. Stat; and because it relates to competitive interests of FPL and of suppliers from whom FPL purchases or has considered purchasing capacity, the disclosure of which would impair their competitive businesses, *see* § 366.093(3)(e), Fla. Stat..

4. FPL submits that the Confidential Information 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 Confidential Information 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 Confidential Information 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 Information contained in Schedule A12.

Respectfully submitted,

R. Wade Litchfield, Esq.
Associate General Counsel
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: 561-691-7101
Facsimile: 561-691-7135

John T. Butler, Esq.
Squire Sanders & Dempsey, LLP
200 South Biscayne Boulevard
Suite 4000
Miami, FL 33131-2398
Telephone: 305-577-7000
Facsimile: 305-577-7001

Attorneys for Florida Power & Light
Company

By: *Karel M. Rubin for JT B*
John T. Butler

CERTIFICATE OF SERVICE
Docket No. 060001-EI

I certify that a copy of the foregoing Request for Confidential Classification of Short Term Capacity Payment Information was served by hand delivery (*) or United States mail on this 1st day of March, 2006, to the following persons:

Wm. Cochran Keating IV, Esq.*
Jennifer Rodan, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

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

Lee L. Willis, Esq.
James D. Beasley, Esq.
Ausley & McMullen
Attorneys for Tampa Electric
P.O. Box 391
Tallahassee, Florida 32302

John T. Burnett, Esq.
Progress Energy Service Company, LLC
P.O. Box 14042
St. Petersburg, Florida 33733-4042

Timothy J. Perry, Esq.
McWhirter, Reeves, McGlothlin,
Davidson, et al.
Attorneys for FIPUG
117 South Gadsden Street
Tallahassee, Florida 32301

Norman H. Horton, Jr., Esq.
Floyd R. Self, Esq.
Messer, Caparello & Self
Attorneys for FPUC
P.O. Box 1876
Tallahassee, Florida 32302-1876

John W. McWhirter, Jr., Esq.
McWhirter, Reeves, McGlothlin,
Davidson, et al.
Attorneys for FIPUG
400 North Tampa Street, Suite 2450
Tampa, Florida 33602

Jeffrey A. Stone, Esq.
Russell A. Badders, Esq.
Beggs & Lane
Attorneys for Gulf Power
P.O. Box 12950
Pensacola, Florida 32576-2950

Capt. Damund E. Williams
Lt. Col. Karen S. White
AFLSA/JACL - ULT
139 Barnes Drive
Tyndall Air Force Base, FL 32403-5319

Michael B. Twomey, Esq.
Post Office Box 5256
Tallahassee, Florida 32314-5256
Attorney for AARP

Robert Scheffel Wright, Esq.
John T. LaVia, III, Esq.
Young van Assenderp, P.A.
Attorneys for Florida Retail Federation
225 South Adams Street, Suite 200
Tallahassee, FL 32301

By: John T. Butler
John T. Butler