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COMMISSION
 CLERK

July 12, 2006

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: Docket No. 060002-EG
 Energy Conservation Cost Recovery Clause

Dear Ms. Bayó:


Enclosed for filing in the above-referenced docket are the original and two (2) copies of Florida Power & Light Company's (FPL's) Request for Confidential Classification of Materials Provided in the Energy Conservation Cost Recovery Clause Audit No. 06-040-4-1. The original includes Exhibits A, B, C and D.

Exhibit A consists of copies of certain documents provided in connection with the above-referenced audit on which all information 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 affidavits 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.

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL I
- OPC _____
- RCA I
- SCR _____
- SGA _____
- SEC I
- OTH I

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,


 Natalie F. Smith

NFS:jp

Enclosures as indicated

cc: Kathy L. Welch,  (without enclosures)

DOCUMENT NUMBER-DATE:

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In Re: Energy Conservation Cost)
Recovery Clause)
_____)**

**Docket No. 060002-EG

Filed: July 12, 2006**

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
MATERIALS PROVIDED IN THE ENERGY
CONSERVATION COST RECOVERY CLAUSE AUDIT NO. 06-040-4-1**

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 Request for Confidential Classification of certain material provided to the Florida Public Service Commission ("FPSC" or "Commission") staff ("Staff") in connection with the Energy Conservation Cost Recovery Clause Audit (Audit Control No. 06-040-4-1) (the "Audit"). In support of its Request, FPL states as follows:

1. During the Audit, Staff requested access to various FPL reports and other documents. By letter dated June 22, 2006, Staff indicated its intent to retain certain workpapers for which confidential treatment previously had been requested (the "Workpapers"). Pursuant to Rule 25-22.006(3)(a), FPL was given 21 days from the date of that letter, or until July 13, 2006, to file a formal Request for Confidential Classification with respect to the Workpapers. By this pleading, FPL makes such request.

2. The following exhibits are included with and made a part of this request:

a. Composite Exhibit A consists of copies of the Workpapers, on which all information that FPL asserts is entitled to confidential treatment has been

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highlighted. Composite Exhibit A is submitted separately in a sealed folder marked “CONFIDENTIAL.”

b. Composite Exhibit B consists of an edited version of Exhibit A on which all information FPL asserts is entitled to confidential treatment has been redacted.

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.

d. Exhibit D is comprised of the affidavits of Ed S. Bowman, C. Dennis Brandt, Korel M. Dubin, Kenneth Getchell and Robert Onsgard in support of this Request.

3. FPL seeks confidential protection for the information highlighted in Exhibit A. The highlighted information is proprietary confidential business information within the meaning of Section 366.093(3). The information is intended to be, and has been, treated by FPL as confidential.

4. Pursuant to Section 366.093, the information highlighted in Exhibit A 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.

5. The statutory bases for FPL’s assertion of confidentiality with regard to each

document or portion thereof are set forth in Exhibit C under the column titled "FLORIDA STATUTE 366.093(3)." The letters in that column refer to the subsection(s) of Section 366.093(3) that provide justification for FPL's request. Further support for FPL's Request for Confidential Classification of the referenced material is provided through the affidavits of Ed S. Bowman, C. Dennis Brandt, Korel M. Dubin, Kenneth Getchell and Robert Onsgard, included as Exhibit D to this request.

6. Certain information FPL asserts is proprietary and confidential business information, described in Exhibits C and D, includes customer-specific account information. FPL has a corporate policy not to disclose customer-specific information. This policy 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 bills. FPL treats such information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer without the permission of the customer. This information is protected pursuant to Section 366.093(3)(e), Florida Statutes.

7. In addition, certain 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. Also, certain information is confidential because it reveals details about the compensation for particular Company personnel, the disclosure of which would impair the competitive business interests of FPL and FPL's ability to attract and retain personnel for those positions on favorable terms. This competitively sensitive information is proprietary confidential business information pursuant to Section 366.093(3)(d) and (e), Florida Statutes. *See* Order No. PSC-03-1280-CFO-EI, Docket No. 030001-EI, p. 2 (issued Nov. 10, 2003).

8. Certain materials contain or constitute internal auditing controls and reports of internal auditors or information relating to same. Section 366.093(3)(b), Florida Statutes, supports the designation of these materials as proprietary confidential business information.

9. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, is proprietary confidential business information, the information 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. *See* § 366.093(4).

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavits included with this request, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

Natalie F. Smith, Esq.
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Attorneys for Florida Power & Light Company

By: 

NATALIE F. SMITH

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Request for Confidential Classification without Attachments was served by overnight delivery (**) or United States mail this 12th day of July, 2006 to the following:

Katherine Fleming, Esq. **
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

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

Beggs & Lane Law Firm
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Florida Industrial Power Users Group
c/o John W. McWhirter, Jr.
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Kaufman & Arnold, P.A.
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By:


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