

ORIGINAL

RECEIVED-FPSC

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION 06 OCT 31 AM 10: 52

In re: Fuel and Purchased Power)
Cost Recovery Clause and Generating)
Performance Incentive Factor)

DOCKET NO. 060001-EL)
COMMISSION)
CLERK)
Date: October 30, 2006

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED
PURSUANT TO STAFF'S EIGHTH SET OF INTERROGATORIES (NOS. 70-76)**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain information provided in connection with Interrogatory Nos.75 and 76 that were served by Staff on October 19, 2006. In support of its Request, FPL states as follows:

1. On October 19, 2006, Staff served Eighth Set of Interrogatories (Nos.70-79) on FPL, in order to gather further information on FPL's hedging activities. This Request is intended to request confidential classification of the confidential portions of Interrogatory Nos.75 and 76 consistent with Rule 25-22.006(3)(a).

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

a. Composite Exhibit A consists of copies of Interrogatory Nos. 75 and 76,

CMP _____ on which all information that FPL asserts is entitled to confidential treatment has been
COM _____ highlighted. Composite Exhibit A is submitted separately in a sealed folder marked
CTR _____ "CONFIDENTIAL."
ECR | _____

GCL | _____ b. Composite Exhibit B consists of an edited version of Exhibit A on which
OPC _____ all information in Interrogatory Nos. 75 and 76 that FPL asserts is entitled to confidential
RCA _____ treatment has been redacted.
SCR _____

SGA _____ c. Exhibit C is a table containing a line-by-line and page-by-page
SEC | _____ identification of the information in Interrogatory Nos.75 and 76 for which confidential
OTH | conf records

DOCUMENT NUMBER-DATE

10038 OCT 31 06

FPSC-COMMISSION CLERK

classification 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.

d. Exhibit D is the affidavit of Gerard J. Yupp.

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) subsection." The letters in that column refer to the subsection(s) that provide justification for FPL's request. Further support for FPL's request for confidential classification of the referenced information is provided through the affidavit of Mr. Yupp that is included as Exhibit D to this Request.

6. 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 foregoing reasons, Florida Power & Light Company respectfully requests confidential classification of the confidential portions of Interrogatory Nos. 75 and 76 as set in Exhibit C.

Respectfully submitted,

R. Wade Litchfield, Esq.
Associate General Counsel
John T. Butler, Esquire
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5639
Facsimile: (561) 691-7135

By: Karl M. Dubi JTB
John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE
Docket No. 060001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification of Information Provided Pursuant to Staff's Eighth Set of Interrogatories, Nos. 75 and 76 (*) has been furnished by overnight delivery (**) or U.S. Mail on the 30th day of October, 2006, to the following:

Lisa Bennett, Esq. **
Wm. Cochran Keating IV, 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

John W. McWhirter, Jr., Esq.
McWhirter Reeves
Attorneys for FIPUG
400 North Tampa Street, Suite 2450
117 South Gadsden Street
Tampa, Florida 33602

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

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

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

Jack Shreve, Esq.
Senior General Counsel
Cecilia Bradley, Esq.
Senior Assistant Attorney General
Office of the Attorney General
The Capitol - PL01
Tallahassee, Florida 32399-1050

James W. Brew, Esq.
Brickfield, Burchette, Ritts & Stone, P.C
Attorneys for PCS Phosphate
1025 Thomas Jefferson Street, NW, Eighth Floor, West Tower
Washington, DC 20007-5201

By: Ken M. Butler for JTB
John T. Butler

* Exhibits to FPL's Request for Confidential Classification are not attached due to their volume but Exhibits B, C and D are available upon request.