

ORIGINAL

John T. Butler
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5639
(561) 691-7135 (Facsimile)

March 6, 2007

- VIA OVERNIGHT 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 Nos. 070007-EI

Dear Ms. Bayó:

I am enclosing for filing in the above dockets the original and seven (7) copies of Florida Power & Light Company's Revised Request for Confidential Classification of Information Provided Pursuant to Audit No. 06-044-4-1, together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows XP, and the word processing software is Word 2003. Pursuant to Rule 25-22.006, F.A.C., I am also enclosing one highlighted and two redacted copies of the confidential documents that are the subject of this request.

If there are any questions regarding this transmittal, please contact me at 561-304-5639.

Sincerely,

John T. Butler
John T. Butler

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL 1
- OPC _____
- RCA 1 Enclosure
- SCR _____ Cc: Counsel for parties of record (w/encl.)
- SGA _____
- SEC _____
- OTH 1 conf records

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DOCUMENT NUMBER-DATE
REGISTRATION CENTER

02077 MAR-7 5

FPC-COMMISSION CLERK

ORIGINAL

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Environmental Cost)
Recovery Clause)

DOCKET NO. 070007-EI
FILED: March 7, 2007

**REVISED REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
INFORMATION PROVIDED PURSUANT TO AUDIT NO. 06-044-4-1**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company (“FPL”) files this revised request for confidential classification of certain information provided to the Florida Public Service Commission (“FPSC” or “Commission”) staff (“Staff”) in connection with its audit of FPL’s Environmental Cost Recovery Clause true-up schedules (Audit Control No. 06-044-4-1; hereinafter the “ECRC Audit”) in Docket No. 060007-EI. In support of its Request, FPL states as follows:

1. During the ECRC Audit, Staff requested access to various FPL reports and other documents, portions of which became working papers of the auditors. By letter dated June 20, 2006, Staff indicated its intent to retain certain working papers for which confidential treatment previously had been requested (the “Working Papers”). Pursuant to Rule 25-22.006(3)(a), FPL was given 21 days from the date of that letter, or until July 11, 2006, to file a formal request for confidential classification with respect to the Working Papers. On July 10, 2006, FPL filed in Docket No. 060007-EI, the predecessor to this docket, a request for confidential classification of the confidential portions of the Working Papers consistent with Rule 25-22.006(3)(a). This Revised Request modifies the scope of the requested confidential classification consistent with comments from the Commission Staff.

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

DOCUMENT NUMBER-DATE

02077 MAR-7 5

FPSC-COMMISSION CLERK

a. Composite Exhibit A consists of copies of the Working Papers, on which all information that FPL asserts is entitled to confidential treatment has been 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 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 affidavits in support of the requested classification.

d. Exhibit D is comprised of the affidavits of Richard F. Engstrom, Robert Onsgard, Roger F. Messer and Paul Plotkin.

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) of Section 366.093(3) that provide justification for FPL’s request. Further support for FPL’s request for confidential classification of the referenced information is provided through the affidavits that are 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 that this Revised Request be granted.

Respectfully submitted,

R. Wade Litchfield, Esq.
Associate General Counsel
John T. Butler, Esq.
Senior Attorney
Law Department
Florida Power & Light Company
9250 West Flagler Street
Miami, Florida 33174
Telephone: 305-552-3867
Fax: 305-552-3865

By: 
John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE

Docket No. 070007-EI

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Revised Request for Confidential Classification of Information Provided Pursuant to Audit No. 06-044-4-1 (*) has been furnished by overnight delivery or U.S. Mail on March 7, 2007 (***) to the following:

Martha Brown, 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

Gary V. Perko, Esq.
Hopping Green & Sams
P.O. Box 6526
Tallahassee, FL 32314

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

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

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

* Due to their volume, the exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.

Exhibit A

CONFIDENTIAL DOCUMENTS

(SUBMITTED SEPARATELY)

Exhibit C

Justification Table

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: Revised List of Confidential Workpapers
AUDIT: Environmental Clause Audit from Jan. 1 – Dec. 31, 2005
AUDIT CONTROL NO: 06-044-4-1
DOCKET NO. 070007-EI

Workpaper No.	Description	No. of Pages	Conf Y/N	Line No./Col No.	Florida Statute 366.093(3) Subsection	Affiant
9	List of Internal Audits	4	Y	Column B	(b)	R. Onsgard
9-1	Internal Audit	4	Y	All	(b)	R. Onsgard
16-15/12-2/1	Plant Addition Samples	2	N			
16-15/12-3/1	Plant Addition Samples	2	Y	Pg. 1, lines 17, 19, 22, 24, 27, 29, 31, 33 Pg. 2, lines 3, 5, 7, 9, 10, 12, 14, 16, 18-19, 28-30	(d),(e)	P. Plotkin
16-15/13-2/1	Plant Addition Samples	2	N			
16-15/13-3/1-2	Plant Addition Samples	2	N			
16-15/13-3/1-3	Plant Addition Samples	2	N			
16-15/13-3/1-4	Plant Addition Samples	1	N			
16-15/14-2/1	Plant Addition Samples	1	N			
43-3	O&M Samples	2	N			
43-3/3	O&M Samples	1	N			
43-3/4	O&M Samples	2	N			
43-4	O&M Samples	5	Y	Pg. 1, lines 5-7, 8-10, 13a-14 Pg. 2, lines 2a-4 Pg. 3, lines 6a-12 Pg. 4, lines 11-12 Pg. 5, lines 6-7	(d),(e)	R. Messer
43-4/1	O&M Samples	1	Y	Lines 5-6, 11-20	(d),(e)	R. Messer
43-4/5	O&M Samples	5	N Y	Pg. 1 Pg. 2-5, All	(c)	R. Messer
43-6	O&M Samples	11	N Y N	Pg. 1-3 Pg. 4 Lines 5 & 6 Pg. 5-11	(d),(e)	R. Messer
51-3/1-2/2	Emission Allowance	2	Y	Pg. 1, Line 16 Pg. 2, Lines 4, 15 & 19	(c)	R. Engstrom

Exhibit D

AFFIDAVITS

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Environmental Cost Recovery Clause) DOCKET NO. 060007-EI
)
)
_____)

STATE OF FLORIDA)
) AFFIDAVIT OF RICHARD F. ENGSTROM
PALM BEACH COUNTY)

BEFORE ME, the undersigned authority, personally appeared Richard F. Engstrom who, being first duly sworn, deposes and says:

1. My name is Richard F. Engstrom. I am currently employed by Florida Power & Light Company ("FPL") as Supervisor of Power Plant Accounting. My business address is 700 Universe Boulevard, Juno Beach, Florida 33408. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents that are included in Exhibit A to FPL's Request for Confidential Classification of Information Obtained in Connection with Audit No. 06-044-4-1. The documents and materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information, contain or constitute payments records, the disclosure of which would impair the efforts of FPL to contract for goods and services on favorable terms for the benefit of its customers and would impair the competitive interests of FPL and its vendors. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.

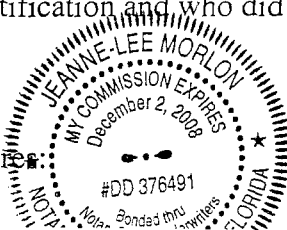
[Handwritten signature of Richard F. Engstrom]

Richard F. Engstrom

SWORN TO AND SUBSCRIBED before me this 28 day of June 2006, by Richard F. Engstrom, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.

My Commission Expires:

12/2/08



[Handwritten signature of Jeannie-Lee Morlon]

Notary Public, State of Florida

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Environmental Cost Recovery Clause) DOCKET NO. 060007-EI
)
)
_____)

STATE OF FLORIDA)
) **AFFIDAVIT OF ROBERT ONSGARD**
COUNTY OF MIAMI-DADE)

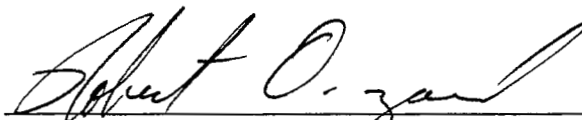
BEFORE ME, the undersigned authority, personally appeared Robert Onsgard who, being first duly sworn, deposes and says:

1. My name is Robert Onsgard. I am currently employed by Florida Power & Light Company ("FPL") as Manager, Internal Auditing. My business address is 9250 West Flagler Street, Miami, Florida, 33174. I have personal knowledge of the matters stated in this affidavit.

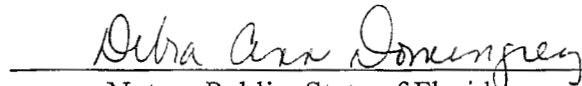
2. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant that are included in Exhibit A to FPL's Request for Confidential Classification of materials provided pursuant to Audit No. 06-044-4-1. Such documents or materials that I have reviewed and which, in whole or in part, are asserted by FPL to be proprietary confidential business information, contain or constitute internal auditing controls and reports of internal auditors of information relating to same. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.


Robert Onsgard

SWORN TO AND SUBSCRIBED before me this 29 day of June 2006, by Robert Onsgard, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.


Notary Public, State of Florida

My Commission Expires: April 20, 2008


 Debra Ann Dominguez
Commission # DD312184
Expires: April 20, 2008

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Environmental Cost Recovery Clause) DOCKET NO. 060007-EI
)
)
_____)

STATE OF FLORIDA)
) AFFIDAVIT OF PAUL PLOTKIN
MANATEE COUNTY)

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

1. My name is Paul Plotkin. I am currently employed by Florida Power & Light Company ("FPL") as Plant General Manager of the Manatee Energy Center. My business address is Manatee Energy Center, 19050 State Road 62, Parrish, Florida 34219. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents that are included in Exhibit A to FPL's Request for Confidential Classification of Information Obtained in Connection with Audit No. 06-044-4-1. The documents and materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information, contain or constitute contractual data such as pricing and other terms, payments records, and vendor and supplier rates, the disclosure of which would impair the efforts of FPL to contract for goods and services on favorable terms for the benefit of its customers and would impair the competitive interests of FPL and its vendors. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.

Paul Plotkin
Paul Plotkin

SWORN TO AND SUBSCRIBED before me this 30th day of June 2006, by Paul Plotkin, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.

Beverly B. Schurr
Notary Public, State of Florida

My Commission Expires:

NOTARY PUBLIC-STATE OF FLORIDA
Beverly B. Schurr
Commission # DD549394

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: 3-7-07
TO: John T. Butler
FROM: T. Henry, Division of the Commission Clerk &
Administrative Services
RE: **Acknowledgment of Receipt of Confidential Filing**

02078-07

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No. 070007-EI or (if filed in an undocketed matter) concerning RCC to Audit # 06-044-4-1, and filed on behalf of FP&L/Butler. The document will be maintained in locked storage.

Any questions regarding this matter should be directed to Marguerite Lockard at (850) 413-6770.

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