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 700 Universe Boulevard  
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October 23, 2008

**VIA OVERNIGHT DELIVERY**

Ms. Ann Cole  
 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. 080001-EI  
 Fuel and Purchased Power Cost Recovery Clause with Generating  
 Performance Incentive Factor

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Second Request for Extension of Confidential Classification regarding confidential information contained in Exhibits GJY-1 through GJY-6 to the testimony of Gerard Yupp filed in Docket No. 050001-EI.

Included herewith is Revised Exhibit D, which contains an affidavit in support of FPL's request. Also included is a compact disc containing FPL's Request for Confidential Classification (without the exhibit) in word processing format.

Please contact me if you or your Staff have any questions regarding this filing.

Sincerely,

*Jessica Cano*  
 Jessica Cano

Enclosures  
 cc: parties of record, w/out exhibits

COM \_\_\_\_\_  
 ECR \_\_\_\_\_  
 GCL 1+CD  
 OPC \_\_\_\_\_  
 RCP \_\_\_\_\_  
 SSC \_\_\_\_\_  
 SGA \_\_\_\_\_  
 ADM \_\_\_\_\_  
 CLK 1

DOCUMENT NUMBER-DATE

10107 OCT 24 8

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No. 080001-EI  
Filed: October 24, 2008

**FLORIDA POWER & LIGHT COMPANY'S  
SECOND REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION  
OF FUEL HEDGING INFORMATION**

**NOW BEFORE THIS COMMISSION**, through the 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 Second Request for Extension of Confidential Classification Granted by Order No. PSC-05-0507-CFO-EI of certain information on fuel hedging activities that is contained in Exhibits GJY-1 through GJY-6 to the prepared testimony of Gerard Yupp in Docket No. 050001-EI (Document No. 03211-05). In support of this Second Request for Extension of Confidential Classification, FPL states as follows:

1. Petitioner's name and address are:

Florida Power & Light Company  
P.O Box 029100  
Miami, Florida 33102-9100

Orders, notices, or other pleadings related to this request should be served on:

John T. Butler, Esq.  
Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33048

2. On April 1, 2005, FPL filed with the Commission a Request for Confidential Classification of certain information on fuel hedging activities contained in GJY-1 through GJY-6. FPL's initial filing consisted of the April 1, 2005 Request and Exhibits A through D. On

DOCUMENT NUMBER-DATE

10107 OCT 24 8

FPSC-COMMISSION CLERK

November 8, 2006, FPL filed with the Commission its First Request for Extension of Confidential Classification of these materials along with a revised Exhibit D. FPL adopts and incorporates by reference these two Requests and their exhibits.

3. By Order No. PSC-05-0507-CFO-EI, dated May 9, 2005, the Commission granted FPL's April 1, 2005 Request, and by Order No. PSC 07-0347-CFO-EI, dated April 25, 2007, the Commission granted FPL's November 8, 2006 Request. The period of confidential treatment granted by Order No. PSC 07-0347-CFO-EI will soon expire.

4. All of the information that was the subject of FPL's April 1, 2005 and November 8, 2006 Requests warrants continued treatment as proprietary and confidential business information within the meaning of section 366.093(3). This material is intended to be and is treated by FPL as confidential and has not been disclosed. Pursuant to Section 366.093, such information 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. Included herewith and made a part hereof as Exhibit D (Revised) is the affidavit of Gerard Yupp, which supplements Exhibit D to the November 8, 2006 Request. As this affidavit indicates, this information consists of trade secrets which allow FPL to purchase and sell fuel and electric power on favorable terms for FPL and its customers. The disclosure of this trade-secret information would provide others in the fuel and electric power markets insight into FPL's marketing and trading practices that would allow them to anticipate FPL's marketing and trading decisions and/or impair FPL's ability to negotiate, to the detriment of FPL and its

customers. Pursuant to section 366.093(3)(a), such materials are entitled to confidential treatment. Additionally, this information relates to bids and other contractual data, the disclosure of which would impair FPL's ability to contract for fuel and electric power on favorable terms. Pursuant to section 366.093(3)(d), such materials are entitled to confidential treatment.

6. Nothing has changed since the issuance of Order No. PSC-07-0347-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate. Accordingly, FPL requests that this information be accorded confidential classification for an additional eighteen month period. FPL further requests that the information be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business.

**WHEREFORE**, for the above and forgoing reasons, as more fully set forth in the supporting materials and affidavits included herewith and incorporated herein by reference, Florida Power & Light Company respectfully requests that its Second Request for Extension of Confidential Classification be granted.

Respectfully submitted,

John T. Butler  
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Attorney  
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700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 304-5226  
Facsimile: (561) 691-7135

By: Jessica A. Cano  
Jessica A. Cano  
Fla. Bar No. 0037372

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing (without attachments) has been furnished by overnight delivery (\*) or United States mail on October 23, 2008, to the following:

Lisa Bennett, Esq.(\*)  
Division of Legal Services  
Florida Public Service Commission  
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Tallahassee, Florida 32399-0850

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c/o The Florida Legislature  
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By: Jessica Cano  
Jessica A. Cano / Fla. Bar No. 0037372

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 080001-EI

STATE OF FLORIDA )
PALM BEACH COUNTY )

AFFIDAVIT OF GERARD J. YUPP

BEFORE ME, the undersigned authority, personally appeared Gerard J. Yupp who, being first duly sworn, deposes and says:

1. My name is Gerard J. Yupp. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director of Wholesale Operations in the Energy Marketing and Trading Division. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification filed on April 1, 2005. The documents and materials in Exhibit A which are asserted by FPL to be proprietary confidential business information are comprised of trade secrets of FPL, which allow FPL to purchase and sell fuel and electric power on favorable terms for FPL and its customers. The disclosure of this trade-secret information would provide others in the fuel and electric power markets particular insight into FPL's marketing and trading practices that would allow them to anticipate FPL's marketing and trading decisions and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers. This proprietary confidential business information also relates to bids and other contractual data, the disclosure of which would impair FPL's ability to contract for fuel and electric power on favorable terms. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. No significant changes have occurred since the issuance of Order No. PSC-07-0347-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than eighteen months. These materials 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 Gerard J. Yupp over a horizontal line, with the printed name Gerard J. Yupp below it.

SWORN TO AND SUBSCRIBED before me this 22nd day of October, 2008, by Gerard J. Yupp, who is personally known to me or who has produced personally known (type of identification) as identification and who did take an oath.

Handwritten signature of Maritz Miranda-Wise over a horizontal line, with the printed name Notary Public, State of Florida below it.

