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November 18, 2008

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COMMISSION
CLERK

-VIA HAND DELIVERY -

Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Florida Power & Light Company's Petition for Approval of Renewable Energy Tariff and Standard Offer contract -Docket No. 080193-EQ

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's Request for Confidential Classification of documents to filed in response to Wheelabrator Technologies, Inc.'s First Request for Production of Documents, together with a CD containing the electronic version of same. The operating system is Windows XP, and the word processing software is Word. 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.

- COM _____
- ECR _____
- GCL I + Diskette
- OPC _____
- RCP _____
- SSC _____
- SGA _____
- ADM _____
- CLK I

If there are any questions regarding this transmittal, please contact me at 561-304-5253.

Sincerely,

Bryan S. Anderson
Bryan S. Anderson

Enclosures

cc: Counsel for parties of record (w/encl.)

DOCUMENT NUMBER-DATE

10749 NOV 18 08

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Florida Power & Light Company's)
Petition for Approval of Renewable Energy)
Tariff and Standard Offer Contract)

Docket No: 080193-EQ
Filed: November 18, 2008

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

NOW, BEFORE THIS COMMISSION, through undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093 of the Florida Statutes, hereby requests confidential classification of certain documents responsive to discovery requests of Wheelabrator Technologies, Inc. ("Wheelabrator") served on FPL in this docket. In support of its request, FPL states as follows:

1. The confidential information is contained in documents responsive to Wheelabrator's First Request for Production of Documents, Nos. 3, 6, & 7.

2. The following exhibits are included herewith and made a part hereof:

a. Exhibit A consists of all documents for which FPL seeks confidential treatment, whether in whole or in part. All information in Exhibit A that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

b. Exhibit B consists of edited versions of all documents for which FPL seeks confidential treatment. All information for which FPL requests confidential treatment has been redacted in Exhibit B.

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

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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. Exhibit C is sometimes referred to hereinafter as the “Justification Table.”

d. Composite Exhibit D includes the affidavit of Richard Hathaway in support of this request.

3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of section 366.093(3), Florida Statutes. To the best of FPL’s knowledge, the highlighted information has not been publicly disclosed. Pursuant to section 366.093, Florida Statutes, 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.

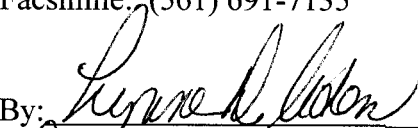
4. As the affidavit indicates, the confidential information consists of information relating the Unit’s heat rate equivalent availability factor and capacity factor. If publicly disclosed, this information would harm the competitive interests of the provider of the information and would trigger Securities and Exchange Commission reporting obligations. This information is protected by Section 366.093(3)(e), Florida Statutes.


5. Upon a finding by the Commission that the material in Exhibit A for which FPL seeks confidential treatment is proprietary confidential business information within the meaning of section 366.093(3), pursuant to section 366.093(4) such materials 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.

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavit included herewith, Florida Power & Light Company respectfully requests that its request for confidential classification be granted.

Respectfully submitted,

Bryan S. Anderson, Esq.
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5253
Facsimile: (561) 691-7135

By: 

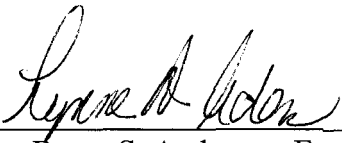
 Bryan S. Anderson, Esq.
Authorized House Counsel No. 219511

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing, without exhibits, has been furnished by United States Mail this 18th day of November, 2008 to the following:

Jean Hartman
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399
jhartman@psc.state.fl.us

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Jon C. Moyle, Jr.
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By: 
Bryan S. Anderson, Esq.
Authorized House Counsel No. 219511

STATE OF FLORIDA

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP



OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

Public Service Commission

ACKNOWLEDGEMENT

DATE: November 18, 2008

TO: Bryan Anderson, Lynn Adams, Florida Power & Light

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 080193 or, if filed in an undocketed matter, concerning documents responsive to discovery requests of Wheelabrator Technologies, and filed on behalf of Florida Power & Light Company. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

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