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R. Wade Litchfield  
Senior Attorney  
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700 Universe Boulevard  
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REPORTING

August 31, 1999

**VIA HAND DELIVERY**

Ms. Blanca S. Bayò  
Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard, Room 110  
Tallahassee, FL 32399-0850

991266-ET

**Re: Florida Power & Light Company's Request for  
Confidential Classification In Connection  
With the Review of the FGT Contract**

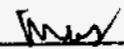
Dear Ms. Bayò:

I enclose and hand you herewith for filing in the above-referenced matter, the original and two (2) copies of Florida Power & Light Company's ("FPL") Request for Confidential Classification in Connection with the Review of the FGT Contract. The original includes Exhibits A, B, C and D. The two copies include only Exhibits B, C, and D.

Exhibit A contains the confidential information that is the subject of FPL's Request for Confidential Classification. Exhibit A is submitted for filing in a separate, sealed folder or carton marked "ATTACHMENT A - CONFIDENTIAL." Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been blocked out. Exhibit C contains FPL's justification for its request for confidential classification. Exhibit D contains a copy of Mr. Silvaa's affidavit in support of FPL's Request for Confidential Classification. The original will follow tomorrow. Also included is a computer diskette containing the electronic version of FPL's Request for Confidential Classification and Exhibit C, in WordPerfect version 6/7/8.

Pursuant to rule 25-22.006(3)(d) of the Florida Administrative Code, FPL requests confidential treatment of the documents in Exhibit A pending disposition of FPL's Request for Confidential Classification.

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FPSC-BUREAU OF RECORDS

Conf DN 10413-99  
DOCUMENT NUMBER-DATE

10412 AUG 31 99

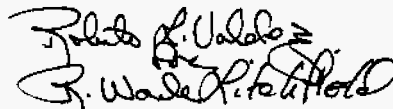
FPSC-RECORDS/REPORTING

Ms. Blanca S. Bayò  
Director of Records and Reporting  
Florida Public Service Commission  
August 31, 1999  
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Please do not hesitate to contact me should you or your Staff have any questions regarding this filing.

Thanking you for your attention to this matter, I remain,

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Wade Litchfield".

R. Wade Litchfield

RWL/jsb  
Enclosures

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Florida Power & Light Company's )	DOCKET NO.
Request for Confidential Classification )	
In Connection with the Review of the )	Filed: August 31, 1999
FGT Contract )	

**REQUEST FOR CONFIDENTIAL CLASSIFICATION**

**NOW, BEFORE THIS 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 requests confidential classification of certain information provided to the Florida Public Service Commission ("FPSC" or "Commission") staff ("Staff") in connection with Staff's review of the selection of Florida Gas Transmission as a natural gas transporter for FPL's Fort Myers plant (hereinafter the "Review").

In support of its Request, 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:

William G. Walker, III  
Florida Power & Light Company  
Vice President  
215 South Monroe Street  
Suite 810  
Tallahassee, Florida 32301-1859  
(850) 224-7595

R. Wade Litchfield  
Florida Power & Light Company  
Senior Attorney  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
(561) 691-7101  
(561) 691-7103 Facsimile

2. In connection with the Review, Staff obtained access to various FPL reports and other documents. Based on the information and documents provided, Staff prepared a report entitled "Review of Florida Power & Light Company's Contractor Selection Process for Transportation of Natural Gas" (the "Report"). The Report incorporates certain information that FPL deems to be proprietary confidential business information within the meaning of Section 366.093(3) of the Florida Statutes.

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

a. Composite 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. Composite Exhibit A is submitted separately in a sealed folder or carton marked "CONFIDENTIAL."

b. Composite Exhibit B consists of edited versions of all documents for which FPL seeks confidential treatment. All information FPL asserts is entitled to confidential treatment has been blocked out in Composite 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 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. Exhibit D is the affidavit of Rene Silva.

4. FPL seeks confidential protection for the information highlighted in Exhibit A. FPL submits that the highlighted information is proprietary confidential business information within the meaning of section 366.093(3). 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.


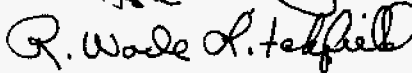
5. The information for which FPL seeks confidential classification consists principally of the evaluation criteria employed by FPL in selecting natural gas transportation services for Fort Myers, and also includes information specific to the bids received. Much of the bid information was submitted to FPL pursuant to obligations of confidentiality. As Mr. Silva indicates in the attached affidavit, the disclosure of such information would impair the efforts of the utility contract for goods and services on favorable terms. In addition, the disclosure of bid information would impair the competitive business of the provider of such information.

6. 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 at least eighteen (18) months or such other period as may be established by the Commission 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 affidavits included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

  
for  


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R. Wade Litchfield  
Florida Authorized House Counsel  
Attorney for  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
(561) 691-7101

**Exhibit C**

**Justification Table**

**EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Workpapers  
**AUDIT:** FGT Review  
**DATE:** August 31, 1999

<b>WKPAPER NO.</b>	<b>DESCRIPTION</b>	<b>NO. OF PAGES</b>	<b>CONF. Y/N</b>	<b>LINE NO./ COL. NO.</b>	<b>FLORIDA STATUTE 366.093(3) Subsection:</b>	<b>AFFIANT</b>
Staff Report	Review of FPL Contractor Selection Process	39	Y	p.4 @ A, B p.5 @ B p.10 @ C p.19 @ D p.20 (entire page) p.21 @ E p.22 @ F pp. 23-28 (entire page)	(d)(e)	Rene Silva



**Exhibit D**

**AFFIDAVITS**

**EXHIBIT D**

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Florida Power & Light Company's	)	DOCKET NO.
Request for Confidential Classification	)	
In Connection with the Review of the	)	Filed: August 31, 1999
FGT Contract	)	

STATE OF FLORIDA	)	
	)	<b>AFFIDAVIT OF RENE SILVA</b>
COUNTY OF PALM BEACH	)	

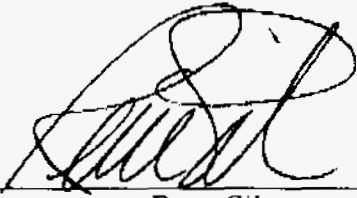
**BEFORE ME**, the undersigned authority, personally appeared Rene Silva who, being first duly sworn, deposes and says:

1. My name is Rene Silva. I am currently employed by Florida Power & Light Company ("FPL") as Manager, Power Generation Division. 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 and which are included in Exhibit A to FPL's Request for Confidential Classification. Such documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information, as noted on Exhibit C, contain or constitute: (i) information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms; and/or (ii) information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Specifically, the information in question consists of the bids received by FPL and the evaluation criteria employed by FPL in selecting a natural gas transportation provider for the Fort Myers plant. Bids received by FPL were provided subject to obligation of confidentiality. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

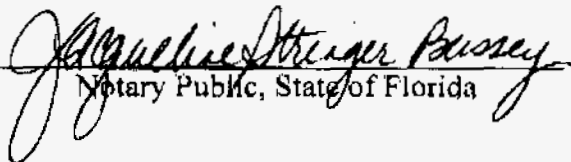
Affidavit of Rene Silva  
Request for Confidential Classification  
Page 2 of 2

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.

  
\_\_\_\_\_  
Rene Silva

**SWORN TO AND SUBSCRIBED** before me this 31<sup>st</sup> day of August, 1999, by Rene Silva, who is personally known to me or who has produced DRIVER'S LICENSE (type of identification) as identification and who did take an oath.

  
\_\_\_\_\_  
Notary Public, State of Florida

My Commission Expires:

