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April 18, 2001

**VIA HAND DELIVERY**

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

010534-EL

**Re: Florida Power & Light Company's Request for  
Confidential Classification of Material Provided  
in the Natural Gas Audit No. 00-353-4-1**

Dear Ms. Bayó:

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 Audit No. 00-353-4-1. The original includes Exhibits A, B, C and D. The two copies include only Exhibits B, C and a facsimile copy of Exhibit 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 "**EXHIBIT 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 affidavits in support of FPL's Request for Confidential Classification. 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 information in Exhibit A pending disposition of FPL's request for Confidential Classification.

Blanca S. Bayó, Director  
Division of Records and Reporting  
Florida Public Service Commission  
April 18, 2001  
Page 2

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,



R. Wade Litchfield

RWL/mf  
Enclosures

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power                    )     DOCKET NO. 000001-EI  
Cost Recovery Clause and Generating            )       
Performance Incentive Factor                    )     FILED: April 18, 2001

**REQUEST FOR CONFIDENTIAL CLASSIFICATION  
OF MATERIALS PROVIDED IN THE  
ENVIRONMENTAL COST RECOVERY AUDIT NO. 00-353-4-1**

**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 materials provided to the Florida Public Service Commission (“FPSC” or “Commission”) staff (“Staff”) in connection with the Natural Gas Audit, Audit Control No. 00-353-4-1 (hereinafter the “Audit”). 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, FL 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. During the Audit, Staff requested access to various FPL reports and other documents. By letter dated March 29, 2001, Staff indicated its intent to retain certain workpapers for which confidential treatment previously has been requested. Pursuant to Rule 25-22.006(3)(a), FPL has twenty-one days from the date of the exit conference, or until April 18, 2000, within which to file a formal Request for Confidential Classification with respect to such workpapers. FPL hereby makes such request.

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 includes the affidavits of Paul A. Karns, James Gill and David Storck.

4. FPL seeks confidential protection for the information highlighted in Exhibit A. The highlighted information consists principally of natural gas purchasing practices and

costs within FPL. Specifically, most of the information relates to the natural gas purchasing costs and practices of Energy Marketing and Trading, a division of FPL, on behalf of FPL, FPL Energy Services, Inc. (“FPLES”) and FPL Energy, LLC (“FPL Energy”). Such information relates to competitive interests of FPL, FPLES and FPL Energy and/or concerns bids or other contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for natural gas on favorable terms or would otherwise impair their competitive business. For example, such information includes pricing models, customer purchase prices and usage, and non-tariffed commodity and transmission pricing. Accordingly, FPL seeks confidential treatment for such information pursuant to sections 366.093(3)(d) and/or (e).

5. As indicated in Exhibit C, FPL also seeks confidential treatment for a small portion of the materials consisting of employee phone numbers and internal audit information pursuant to sections 366.093 (3)(f) and (b), respectively. As reflected in the affidavits attached hereto as Exhibit D, FPL considers such information to be confidential proprietary business information within the meaning of section 366.093(3).

6. Pursuant to section 366.093, materials found to be proprietary confidential business information are entitled to confidential treatment and are 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.

7. Upon a finding by the Commission that the material in Exhibit A for which FPL seeks confidential treatment is “proprietary confidential business information,” 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, including those 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,



A handwritten signature in black ink, appearing to read "R. Wade Litchfield", is written over a horizontal line. The signature is cursive and extends above and below the line.

R. WADE LITCHFIELD

Florida Authorized House Counsel  
Attorney for  
Florida Power & Light Company  
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