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COMMISSION  
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-VIA HAND DELIVERY-

Blanca S. Bayó, Director  
Records and Reporting  
Florida Public Service Commission  
4075 Esplanade Way, Room 110  
Tallahassee, Florida 32399-0850

Robert L. Powell, Jr.  
305.577.2859  
rpowell@steelhector.com

Re: Motion for Protective Order  
CONFIDENTIAL INFORMATION  
Docket No. 001148-EI

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company in Docket No. 001148-EI are the original and seven copies of Florida Power & Light Company's Request for Confidential Classification and Motion For Protective Order for Certain Documents, together with a diskette containing the electronic version of same. The enclosed diskette is MF-2HD, the operating system is Windows 2000, and the word processing software in which the document appears is Word 2000. Please note that the original copy of the motion has an Attachment A, which contains **CONFIDENTIAL INFORMATION**. Therefore, FPL is filing the original motion in a separate envelope stamped **CONFIDENTIAL**. The remaining copies of the motion do not contain Attachment A or any other confidential information.

In its motion FPL seeks confidential classification of the confidential information in Attachment A. FPL also seeks a ruling on procedures for parties to follow so that the confidential information is protected.

If there are any questions regarding this filing, please contact me at 305-577-2859.

Very truly yours,

Robert L. Powell, Jr., Esq.

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enc.  
cc: Counsel for Parties of Record

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DOCUMENT NUMBER - 02495  
MAR -4 02  
COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of the retail rates of ) Docket No. 001148-EI  
Florida Power & Light ) Dated: March 4, 2002  
Company. )  
\_\_\_\_\_ )

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR  
CONFIDENTIAL CLASSIFICATION AND MOTION FOR  
PROTECTIVE ORDER FOR CERTAIN DOCUMENTS**

Pursuant to Section 366.093, Florida Statutes and Rule 25-22.006, Florida Administrative Code ("F.A.C."), Florida Power & Light Company ("FPL") hereby requests confidential classification of certain information contained within documents produced in discovery pursuant to a confidentiality agreement in the above-referenced docket ("Confidential Information"). FPL further requests that the Commission enter into a protective order (1) limiting parties' use and reproduction of the Confidential Information as more fully set forth herein, (2) requiring that the Confidential Information be returned to FPL after the close of this proceeding if not admitted into the record, and (3) finding that, if any of the Confidential Information is admitted into the record in this proceeding, FPL has shown good cause for the Confidential Information to continue to be classified as confidential for a period of 18 months. In support thereof, FPL states:

**Justification for Confidential Classification**

1. The Confidential Information is contained in documents produced to South Florida Hospital and Healthcare Association ("SFHHA") pursuant to a confidentiality agreement in the above-referenced docket. SFHHA has maintained the confidentiality of these documents. SFHHA has advised FPL that it intends to rely upon these materials in the proceedings related to this docket. These documents contain extensive confidential business information regarding

FPL, including financial plans, confidential business strategies, and information concerning bids or other contractual data. The disclosure of such information in Commission proceedings would significantly impair the competitive business interests of FPL Group, Inc., and its subsidiaries, by making public their competitive strategies and the strategic financial options they are considering or by impairing their efforts to contract for goods and services on favorable terms.

2. An unredacted copy of the confidential documents, with all Confidential Information highlighted, is attached as Exhibit A in an envelope marked "CONFIDENTIAL." Exhibit B contains two copies of the same material with all confidential information redacted. Exhibit C is a line-by-line justification of the confidential status of the Confidential Information.

#### **Request for Protective Order**

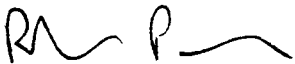
3. In addition to confidential classification, FPL requests that certain protections against disclosure outside of this proceeding be implemented pursuant to Rule 25-22.006(6)(a), F.A.C. Specifically, FPL requests that the Commission issue a protective order that requires (1) all parties to which the Confidential Information is disclosed to limit their use of such Confidential Information to this proceeding and to limit further disclosure of such Confidential Information to their employees, consultants and counsel who have a need to know the Confidential Information in connection with their participation in this proceeding and who will be bound to the same limitations on the use and disclosure of the Confidential Information, (2) that the Confidential Information be returned to FPL after the close of this proceeding if not admitted into the record, and (3) that if the Confidential Information is admitted into the record in this proceeding, that it find that FPL has shown good cause for such Confidential Information to continue to be classified as confidential for 18 months from the original classification.

WHEREFORE, FPL respectfully moves the Commission to (a) rule that the Confidential Information identified in Appendix A be given confidential classification by the Commission and be exempt from public disclosure, and (b) issue a protective order that requires (i) all parties to which the Confidential Information is disclosed to limit their use of such Confidential Information to this proceeding and to limit further disclosure of such Confidential Information to their employees, consultants and counsel who have a need to know the Confidential Information in connection with their participation in this proceeding and who will be bound to the same limitations on the use and disclosure of the Confidential Information, (ii) that the Confidential Information be returned to FPL after the close of this proceeding if not admitted into the record, and (iii) that if the Confidential Information is admitted into the record in this proceeding, it find that FPL has shown good cause for such Confidential Information to continue to be classified as confidential for 18 months from the original classification.

Respectfully submitted this 4th day of March 2002.

R. Wade Litchfield, Esq.  
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Florida Power & Light Company  
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Telephone: 305-577-2939

By:   
Robert L. Powell, Jr.  
Florida Bar No. 0195464

## CERTIFICATE OF SERVICE

**I HEREBY CERTIFY** that a true and correct copy of the foregoing, excluding confidential Exhibit A, has been furnished by United States Mail this 4th day of March, 2002, to the following:

Robert V. Elias, Esq.  
Legal Division  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Room 370  
Tallahassee, FL 32399-0850

Florida Industrial Power Users Group  
c/o John McWhirter, Jr., Esq.  
McWhirter Reeves  
400 North Tampa Street, Suite 2450  
Tampa, FL 33601-3350

Thomas A. Cloud, Esq.  
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Office of Public Counsel  
c/o Florida Legislature  
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Dynegy, Inc.  
1000 Louisiana Street, Suite 5800  
Houston, Texas 77002-5050

Linda Quick, President  
South Florida Hospital & Healthcare Assn  
6363 Taft Street  
Hollywood, FL 33024

By:   
Robert L. Powell, Jr.

**CERTIFICATE OF COMPLIANCE WITH RULE 28-106.204(3), F.A.C.**

**I HEREBY CERTIFY** that on this 4<sup>th</sup> day of March 2002, I have conferred with the following parties of record: W. Christopher Browder, Esq. of Gray, Harris & Robinson, P.A., attorney for Dynegy, Inc., stated that he has no objection to the motion. Michael B. Twomey, Esq, stated that he had no objection to the motion. Mark Sundback, Esq. of Andrews & Kurth, LLP, attorney for South Florida Hospital Association, stated that he had no objection to the motion. J. Roger Howe, Esq. of the Office of Public Counsel stated that he had no objection to the motion. Vicki Gordon Kaufman, Esq. of McWhirter Reeves, McGlothlin, Davidson, Decker, Kaufman, Arnold & Steen, P.A., attorney for Florida Industrial Power Users Group stated that she was unable to take a position at this time on the motion. Robert V. Elias, Esq. of the Legal Division of the Florida Public Service Commission stated that he took no position on the motion.

By:   
Robert L. Powell, Jr.

## EXHIBIT C

**COMPANY:**

**Florida Power & Light Company**

**TITLE:**

**List of Confidential Workpapers**

Bates No.	Document Title	No. of Pages	Confidential Yes/No	Line Description	Florida Statute 366.093(3) Subsection
00100596	Rating Agency Presentation 2000	1	Y	Lines: H4, H5	(e)
00100597	Same	1	Y	Lines 7, 8	(e)
00100598	Same	1	Y	Lines: A7-A13, C3-C9, D3-D9, E3-E9	(e)
00100601	Same	1	Y	Lines: 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16	(e)
00100602	Same	1	Y	Lines: 4, 5, 6, 7, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21; "Debt Ratio" chart; "Pre-Tax Interest Coverage" chart	(e)
00100605	Same	1	Y	Columns: C, D, E	(e)
00100607	Same	1	Y	Column: C; Lines: 7, 8, 9, 10 "Unnamed Chart; part <u>Est. Y/E 2000</u> " chart	(e)
00100608	Same	1	Y	Lines: 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24	(e)
00100609	Same	1	Y	Lines: 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17; "Debt Ratio (Total Debt)" chart; "Debt Ratio (Recourse Debt)" chart	(e)
00100610	Same	1	Y	Lines: 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 18, 19, 21, 22, 24, 25, 26, 27, 28; "FFO Interest Coverage" chart; "FFO / Average Debt" chart	(e)
00100612	Same	1	Y	Lines: 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23	(e)

**COMPANY:**  
**TITLE:**

**Florida Power & Light Company**  
**List of Confidential Workpapers**

Bates No.	Document Title	No. of Pages	Confidential Yes/No	Line Description	Florida Statute 366.093(3) Subsection
00100613	Same	1	Y	Lines: 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21; "Debt Ratio (Total Debt)" chart; "Debt Ratio (Recourse Debt)" chart	(e)
00100614	Same	1	Y	Lines: 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 18, 19, 21, 22, 24, 25, 27, 28, 29, 30, 31, 32; "FFO Interest Coverage" chart; "FFO / Average Debt" chart	(e)
00100620	Same	1	Y	Lines: 6, 7	(e)
00100621	Same	1	Y	Lines: 20, 21, 22, 23	(e)
00100624	Same	1	Y	"Expansion at FPL FiberNet" chart	(e)
00100625	Same	1	Y	Lines: 13, 15; "Net Megawatts In Operation at Year-End" chart	(e)
00100626	Same	1	Y	Lines: 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31	(e)
00100626A	Same	1	Y	Lines: 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17; "Debt Ratio (Total Debt)" chart; "Debt Ratio (Recourse Debt)" chart	(e)
00420577-579	Sanford Project Cost Report Detail	3	Y	Col. 2-9, all lines	(d) (e)
00420580-583	Sanford Project Cost Report Estimate Roll-up	4	Y	Col. 5-10, all lines	(d) (e)
00420584-585	Sanford Project Cost and Schedule Trend Register	2	Y	Col. 2-5, all dollar amounts	(d) (e)
00424367-373	Ft. Myers Project	7	Y	Col. 2-16, all lines	(d) (e)



**COMPANY:**  
**TITLE:**

**Florida Power & Light Company**  
**List of Confidential Workpapers**

Bates No.	Document Title	No. of Pages	Confidential Yes/No	Line Description	Florida Statute 366.093(3) Subsection
00424499-506	B&V Revenue Package Evaluation of Ft. Myers Repowering Project Draft Consultant Report	8	Y	all pages, all lines	(d) (e)
00424508-529	Evaluation of Ft. Myers Repowering Project Final Consultant Report	22	Y	all pages, all lines	(d) (e)
00424948	Ft. Myers Cost Comparison	1	Y	Col. 2-4, all lines	(d) (e)
00421671	Sanford Project Cost and Schedule Trend Register	1	Y	Col. 3-5, all dollar amounts	(d) (e)
00421672	Sanford Project B&V Revenue Package	1	Y	Col. 4-5, all dollar amounts	(d) (e)
00530162	FPL FiberNet Charges Calculation of Charges to FPL for Telephone System	1	Y	Col A: lines 12, 20, 29, 52 & 53 Col B: lines 6-7, 11-13, 16-18, 20-21, 25-27, 29-30, 32-40, 43-46, 49, 52-54 & 56 Col C: lines 6-7, 11-13, 16-18, 20-21, 25-27, 29-30, 32-40, 43-46, 49, 52-54 56 & 58	(e)

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