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COMMISSION
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Charles A. Guyton
850.222.3423

March 26, 2002

- VIA HAND DELIVERY -

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

**RE: Docket No. 001148-EI
Review of the Retail Rates of
Florida Power & Light Company**

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company in the above referenced docket are the original and seven (7) copies of Florida Power & Light Company's Request For Confidential Classification For Certain Documents and Information Filed In Response To The Commission Staff's Tenth Set of Interrogatories. 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.

If there are any questions regarding this transmittal, please feel free to contact me.

Very truly yours,


Charles A. Guyton

Enclosures

cc: All Parties of Record (w/enclosures except Attachment A)

RECEIVED & FILED

FPSC BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
03459 MAR 26 02
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of the retail rates of Florida) Docket No. 001148-EI
Power & Light Company) Dated: March 26, 2002
_____)

**FLORIDA POWER & LIGHT COMPANY'S REQUEST
FOR CONFIDENTIAL CLASSIFICATION FOR CERTAIN DOCUMENTS
AND INFORMATION FILED IN RESPONSE TO THE COMMISSION
STAFF'S TENTH SET OF INTERROGATORIES**

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 confidential information filed in response to the Commission Staff's Tenth Set of Interrogatories in connection with the Commission's Review of the Retail Rates of FPL and attached hereto as Attachment A ("the Confidential Information").

In support thereof, FPL states:

1. On February 12, 2002, the Commission Staff submitted to FPL its Tenth Set of Interrogatories in connection with the Review of Retail Rates of FPL. Information and documents responsive to Interrogatories 367, 372 and 382 in this discovery request constitute proprietary, confidential business information, the disclosure of which would injure FPL's customers and FPL's business operations.

2. On March 5, 2002, FPL filed with the Commission a Notice of Intent to Request Confidential Classification ("Notice") pertaining to certain documents responsive to Staff's Tenth Set of Interrogatories to FPL, Nos. 367, 372 and 382 in Docket No. 001148-EI. Attached to the Notice was an envelope stamped "CONFIDENTIAL" that contained documents with the Confidential Information highlighted. Two redacted copies of the confidential documents were

attached to the Notice as well. Copies of the same documents in separate highlighted and redacted forms are attached to this Request.

3. The material for which confidential classification is sought is intended to be and has been treated by FPL as private and confidential and has not been publicly disclosed. All the information in Attachment A to this Request for which FPL seeks confidential classification is proprietary confidential business information within the meaning of Section 366.093, Florida Statutes (2001). The Commission has previously determined that the type of information for which FPL seeks confidential classification is proprietary confidential business information. The Confidential Information for which FPL seeks confidential classification will continue to be confidential for more than eighteen months; therefore, FPL seeks confidential classification for thirty-six months with the opportunity to request continuation of the confidential classification.

4. The material for which confidential classification is sought in response to Interrogatory 367 contains proprietary confidential business information regarding a settlement with the Internal Revenue Service and FPL's method of tax depreciation accounting. The Commission previously classified similar information as confidential in Order No. PSC-99-0462-CFO-EI, in agreement with FPL's position that disclosure of such information would enable FPL's competitors to obtain, at no cost to the competitors, the benefits of the utility's efforts concerning certain tax initiatives. Disclosure of the Confidential Information would injure FPL's customers and FPL's business operations.

5. The material for which confidential classification is sought in response to Interrogatory 372 contains proprietary confidential business information within the meaning of section 366.093(3), Florida Statutes (2001). FPL requests confidential classification for a three-word portion of a contract for purchase of natural gas, the disclosure of which would impair the

efforts of FPL or its affiliates to contract for goods and services on favorable terms. See § 366.093(3)(d), Florida Statutes (2001). Disclosure of the Confidential Information would injure FPL's customers and FPL's business operations.

6. The material for which FPL seeks confidential classification in response to Interrogatory 382 is a portion of a two-page pricing model for natural gas marketing and is confidential proprietary business information within the meaning of section 366.093(3), Florida Statutes (2001). This Confidential Information is within the category of information concerning contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms. See § 366.093(3)(d), Fla. Stat. (2001). This Confidential Information also is within the category of information relating to competitive interests, the disclosure of which would impair the competitive business of the provider. See § 366.093(3)(e), Fla. Stat. (2001).

7. To satisfy the requirements of Rule 25-17.006, Florida Administrative Code, FPL has prepared five Attachments to this Request. Attachment A, filed in an envelope marked "CONFIDENTIAL," is a copy of the pages of the responses that contain confidential information with all Confidential Information highlighted. Only the original copy of this request contains Attachment A; the remaining copies served upon the Commission and the parties do not contain a copy of Attachment A. Attachment B is a copy of the pages of the responses containing confidential information with the Confidential Information redacted. Attachment C is a line-by-line justification of the confidential status of the Confidential Information. Attachment D is the affidavit of Donald F. Chasmar explaining why the Confidential Information in response to Interrogatory 367 is proprietary and confidential and why it should not be publicly disclosed. Attachment E is the affidavit of C. Dennis Brandt explaining why the Confidential Information


in response to Interrogatories 372 and 382 is confidential and why it should not be publicly disclosed.

WHEREFORE, FPL respectfully requests the Commission rule that the Confidential Information identified in Attachment A be given confidential classification and, thus, exempt it from public disclosure.

Respectfully submitted this 26th day of March 2002.

R. Wade Litchfield, Esq.
Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: 561-691-7101

Steel Hector & Davis LLP
Attorneys for Florida Power & Light
Company
215 S. Monroe Street, Suite 601
Tallahassee, Florida 32301
Telephone: 850-222-2300

By: 
Charles A. Guyton
Florida Bar No. 0398039

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by United States Mail this 26th day of March, 2002 to the following:

Wm Cochran Keating, IV, Esq.
Legal Division
Florida Public Service Commission
2540 Shumard Oak Boulevard
Room 370
Tallahassee, FL 32399-0850

Thomas A. Cloud, Esq.
Gray, Harris & Robinson, P.A.
301 East Pine Street, Suite 1400
Orlando, Florida 32801

Michael B. Twomey, Esq.
Post Office Box 5256
Tallahassee, FL 32314-5256

Joseph A. McGlothlin, Esq.
Vicki Gordon Kaufman, Esq.
McWhirter Reeves
117 South Gadsden
Houston, Texas 77002-5050

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


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

Jack Shreve, Esq.
Office of Public Counsel
c/o Florida Legislature
111 W. Madison Street
Room No. 812
Tallahassee, Florida 32399-1400

Andrews & Kurth Law Firm
Mark Sundback/Kenneth Wiseman
1701 Pennsylvania Ave., NW, Suite 300
Washington, DC 20006

R. Scheffel Wright, Esq
Landers & Parsons
310 West College
P.O. Box 271
Tallahassee, Florida 32302

Ronald C. LaFace, Esq.
Greenberg Traurig
P.O. Box 1838
101 E. College Avenue
Tallahassee, Florida 32302-1838

By: 
Charles A. Guyton

ATTACHMENT A

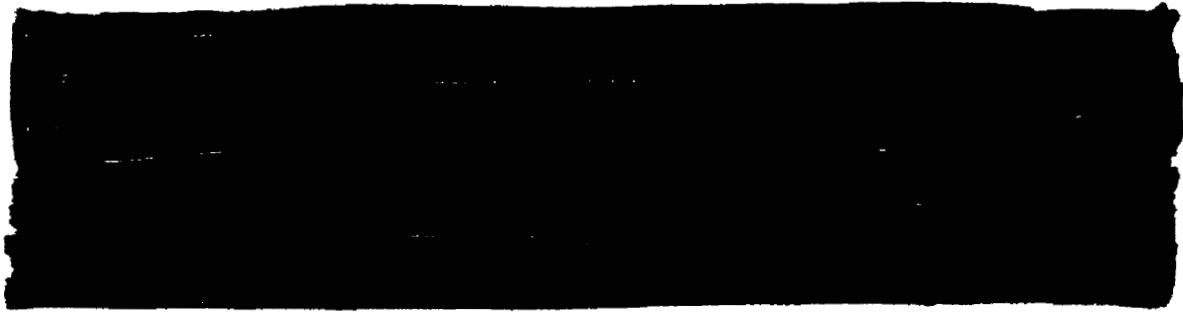
ATTACHMENT B

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6 The amounts for the interest paid were recorded in balance sheet account 182.301, and is
7 being amortized over 5 years in account 431.540.

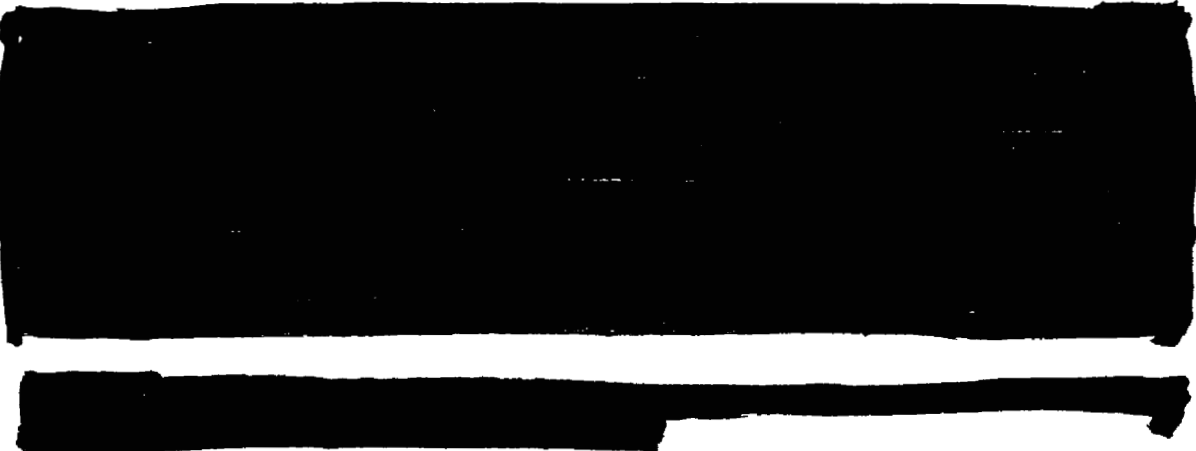
8 **CONFIDENTIAL**

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17 **CONFIDENTIAL**

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**BASE CONTRACT FOR SHORT-TERM
 SALE AND PURCHASE OF NATURAL GAS**

This Base Contract is entered into as of the following date: March 11, 1998.
 The parties to this Base Contract are the following:

FLORIDA POWER & LIGHT COMPANY
 Energy Marketing & Trading Division
 11770 U.S. Highway One, South Tower, 4th Floor
 North Palm Beach, FL 33408
 Duns # 00-692-2371
 Contract # CX98-106
 Attn: Contract Department
 Phone: 561 625-7500 Fax: 561 625-7504
 Federal Tax ID Number: 59-0247775

and **FPL ENERGY SERVICES, INC.**
 700 Universe Boulevard
 P.O. Box 14000
 Juno Beach, FL 33408
 Duns # 79-47-86665-19-717-7678
 Contract # _____
 Attn: Richard N. Deluga
 Phone: 561 694-3611 Fax: 561 694-4193
 Federal Tax ID Number: 65-006-4000



Invoices and Payments
See attached sheet

Invoices and Payments
See attached

Attn: _____
 Phone: _____ Fax: _____
 Wire Transfer or ACH Nos. (if applicable) Per Invoice Instructions

Attn: _____
 Phone: _____ Fax: _____
 Wire Transfer or ACH Nos. (if applicable)

This Base Contract incorporates by reference for all purposes the General Terms and Conditions for Short-Term Sale and Purchase of Natural Gas published by the Gas Industry Standards Board. The parties hereby agree to the following provisions offered in said General Terms and Conditions (select only one from each box, but see "Note" relating to Section 2.24):

Section 1.2 Transaction Procedure	<input checked="" type="checkbox"/> Oral <input type="checkbox"/> Written	Section 6. Taxes	<input checked="" type="checkbox"/> Buyer Pays At and After Delivery Point <input type="checkbox"/> Seller Pays Before and At Delivery Point
Section 2.4 Confirm Deadline	<input checked="" type="checkbox"/> 2 Business Days after receipt (default) <input type="checkbox"/> Business Days after receipt	Section 7.2 Payment Date	<u>25th</u> date of Month following Month of delivery
Section 2.5 Confirming Party	<input type="checkbox"/> Seller <input checked="" type="checkbox"/> Buyer	Section 7.2 Method of Payment	<input type="checkbox"/> Wire Transfer (WT) <input checked="" type="checkbox"/> Automated Clearinghouse (ACH) <input type="checkbox"/> Check
Section 3.2 Performance Obl.	<input checked="" type="checkbox"/> Cover Standard <input type="checkbox"/> Spot Price Standard <i>Note: The following Spot Price Publication applies to both of the immediately preceding Standards and must be filled in after a Standard is selected.</i>	Section 13.5 CHOICE OF LAW	<u>TEXAS</u>
Section 2.24 Spot Price Publication	[Redacted]		
Special Provisions: Number of sheets attached: <u>1</u> - Exhibit B			

IN WITNESS WHEREOF, the parties hereto have executed this Base Contract in duplicate.

FLORIDA POWER & LIGHT COMPANY

 (Party Name)
 By Paul A. Karns
 Title Paul A. Karns, Director of Contracts

FPL ENERGY SERVICES, INC.

 (Party Name)
 By Richard N. Deluga
 Title Vice President

DISCLAIMER: The purposes of this Contract are to facilitate trade, avoid misunderstandings and make more definite the terms of contracts of purchase and sale of natural gas. This Contract is intended for interruptible transactions or firm transactions of one month or less and may not be suitable for firm transactions of longer than one month. Further, GISB does not mandate the use of this Contract by any party. GISB DISCLAIMS AND EXCLUDES, AND ANY USER OF THIS CONTRACT ACKNOWLEDGES AND AGREES TO GISB'S DISCLAIMER OF, ANY AND ALL WARRANTIES, CONDITIONS OR REPRESENTATIONS, EXPRESS OR IMPLIED, ORAL OR WRITTEN, WITH RESPECT TO THIS CONTRACT OR ANY PART THEREOF, INCLUDING ANY AND ALL IMPLIED WARRANTIES OR CONDITIONS OF TITLE, NON-INFRINGEMENT, MERCHANTABILITY, OR FITNESS OR SUITABILITY FOR ANY PARTICULAR PURPOSE (WHETHER OR NOT GISB KNOWS, HAS REASON TO KNOW, HAS BEEN ADVISED, OR IS OTHERWISE IN FACT AWARE OF ANY SUCH PURPOSE), WHETHER ALLEGED TO ARISE BY LAW, BY REASON OF CUSTOM OR USAGE IN THE TRADE, OR BY COURSE OF DEALING. EACH USER OF THIS CONTRACT ALSO AGREES THAT UNDER NO CIRCUMSTANCES WILL GISB BE LIABLE FOR ANY DIRECT, SPECIAL, INCIDENTAL, EXEMPLARY, PUNITIVE OR CONSEQUENTIAL DAMAGES ARISING OUT OF ANY USE OF THIS CONTRACT.

CONFIDENTIAL

FPL Energy Services Natural Gas Marketing MAP Calculation

Customer:	<u>Any Customer</u>
Date	2/22/02
LDC:	PGS
Rate Class:	GSLV-2
Current Supplier:	unknown
Contract Expiration:	3/31/03

(A)
(B)
(C)
(D)
(E)
(F)
(G)

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Month	Year	(A)	(B)	(C)	(D)	(E)	(F)	(G)
Apr	2002	1172	\$ 2.458	\$	\$	\$	\$	\$
May	2002	384	\$ 2.506	\$	\$	\$	\$	\$
Jun	2002	784	\$ 2.575	\$	\$	\$	\$	\$
Jul	2002	867.1	\$ 2.655	\$	\$	\$	\$	\$
Aug	2002	863.7	\$ 2.673	\$	\$	\$	\$	\$
Sep	2002	766.8	\$ 2.674	\$	\$	\$	\$	\$
Oct	2002	1222	\$ 2.700	\$	\$	\$	\$	\$
Nov	2002	843	\$ 2.947	\$	\$	\$	\$	\$
Dec	2002	735	\$ 3.182	\$	\$	\$	\$	\$
Jan	2003	777	\$ 3.285	\$	\$	\$	\$	\$
Feb	2003	931	\$ 3.223	\$	\$	\$	\$	\$
Mar	2003	883	\$ 3.125	\$	\$	\$	\$	\$
		10,228.6	\$ 2.834	\$	\$	\$	\$	\$

Proposed Price: [REDACTED]

Notes:

(1) [REDACTED] close as of: 21-Feb-02

(2) Contract start date: 1-Apr-02

(3) [REDACTED]

Estimated Financials:

Gross Margin	\$	[REDACTED]
SG&A	\$	[REDACTED]
Contr. Margin	\$	[REDACTED]

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**FPL Energy Services
Natural Gas Marketing
2002 Operating Metrics**

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(A)

(B)

(C)

<u>Assumptions</u>		2002 Est/Act
[REDACTED]		[REDACTED]
<u>Expenses</u>	<u>Total</u>	[REDACTED]
Sales	[REDACTED]	
<u>General & Administrative</u>	<u>Total</u>	[REDACTED]
Marketing	[REDACTED]	
Operations	[REDACTED]	
Bad Debt	[REDACTED]	
IM	[REDACTED]	
Customer Care	[REDACTED]	

18
19

2002 Factors	Sales	[REDACTED]
	G&A	[REDACTED]

20 Note, Sales Expense equals [REDACTED]

ATTACHMENT C

ATTACHMENT C

COMPANY:
TITLE:

Florida Power & Light Company
List of Confidential Workpapers

Description	No. of Pages	Confidential Yes / No	Line No. / Col. No.	Florida Statute 366.093(3) Subsection	Affiant
Interrogatory No. 367 Response - Page 2 of 2	1	Y	Lines 9-16, 18-28	(e)	Chasmar
Interrogatory No. 372 Attachment: Base Contract for Short- Term Sale and Purchase of Natural Gas	1	Y	Line 1	(e)	Brandt
Interrogatory No. 382 Attachment: Pricing Model	2	Y	pg. 1, Col A, lines 10, 11, 25, 26, 27 30, 32 & 33 pg. 1, Col B, lines 10, 11, 25, 26, 27 32 & 33 pg. 1, Col C, lines 10 - 27 & 30 - 33 pg. 1, Col D, lines 10 - 27 pg. 1, Col E, lines 10 - 27. pg. 1, Col F, lines 10 - 27 pg. 1, Col G, lines 10 - 27 pg. 2, Col A, lines 6 - 8 pg. 2, Col B, lines 10 & 12 - 17 pg. 2, Col C, lines 6 - 8 & 11 - 17 Line 18 Line 19 Line 20	(d) & (e)	Brandt

ATTACHMENT D

ATTACHMENT D

AFFIDAVIT

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

BEFORE ME, the undersigned authority, this day personally appeared Donald F. Chasmar, who, being first duly sworn, deposes and says:

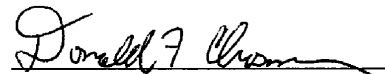
My name is Donald F. Chasmar. I am employed by Florida Power & Light Company (FPL) in the position of Manager, Tax Compliance and Audits. I am a resident of the State of Florida, am over eighteen (18) years old and make this affidavit based upon my personal knowledge.

I have reviewed FPL’s Request for Confidential Classification for Certain Information and Documents (Request), specifically the portion of the Request addressing FPL’s response to Interrogatory 367 of the Commission Staff’s Tenth Set of Interrogatories in connection with the Commission’s Review of the Retail Rates of FPL.


I have reviewed Attachments A and B to the Request for Confidential Classification. The portion of the information filed with the Commission in response to Interrogatory 367 that FPL has identified as confidential in the present Request is intended to be and is treated as confidential by FPL and has not been disclosed to the public. The information identified therein as proprietary confidential business information falls within a category of confidential tax documents concerning settlements or agreements with the Internal Revenue Service (Confidential Information). Disclosure of the Confidential Information would substantially impair the competitive business interest of FPL in that such disclosure would enable FPL’s competitors to obtain, at no cost to the competitors, the benefits of FPL’s efforts concerning certain tax initiatives.

I have reviewed the detailed justification of confidentiality in Attachment C to Florida Power & Light Company's Request for Confidential Classification for Certain Documents and Information Filed in Response to the Commission Staff's Tenth Set of Interrogatories, and the factual representations therein are accurate.

The information for which FPL seeks confidential classification in its Request will continue to be confidential after the expiration of eighteen months. The competitive interests which would be damaged by the release of this information will still exist after eighteen months. The return of this information to FPL, if not admitted into evidence, would protect the interests of FPL and its customers. If the Confidential Information is admitted into the record, then the potential injury from disclosure of the Confidential Information will last longer than eighteen months and warrants the Commission finding that its confidential classification should not be limited to eighteen months.


Donald F. Chasmar

Before me, the undersigned authority, personally appeared, on this the 21st day of March, 2002, Donald F. Chasmar, who is personally known to me.


Notary Public, State of Florida



DIANE MARIE SMITH
Printed name of notary

CC 860566
Commission number

My Commission expires: August 22, 2003

ATTACHMENT E

ATTACHMENT E
AFFIDAVIT OF C. DENNIS BRANDT

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

BEFORE ME, the undersigned authority, this day personally appeared C. Dennis Brandt, who, being first duly sworn, deposes and says:

My name is C. Dennis Brandt. I am employed by Florida Power & Light Company (“FPL”) in the position of Director, Product Development and Management. I am a resident of the State of Florida, am over eighteen (18) years old and make this affidavit based upon my personal knowledge.

I have reviewed FPL’s Request for Confidential Classification for Certain Information and Documents (“Request”), specifically the confidential portion of the Request addressing FPL’s response to Interrogatories 372 and 382 of the Commission Staff’s Tenth Set of Interrogatories in connection with the Commission’s Review of the Retail Rates of FPL.

I have reviewed Attachments A and B to FPL’s Request for Confidential Classification. The portion of the information therein in response to Interrogatories 372 and 382, which FPL has identified as confidential (“Confidential Information”) is intended to be and is treated as confidential by FPL and has not been disclosed to the public.

The information in Attachments A and B that FPL filed in response to Interrogatory 372 and has identified as being proprietary confidential business information is a three-word portion of a natural gas contract within the category of confidential contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms.

The information in Attachments A and B that FPL filed in response to Interrogatory 382 and has identified as being proprietary confidential business information is a portion of a two-page

pricing model for natural gas marketing. This Confidential Information falls within the categories of information concerning contractual data the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms, and information relating to competitive interests, the disclosure of which would impair the competitive business of the provider.

I have reviewed the detailed justification of confidentiality in Attachment C to the Request and the factual representations therein are accurate.

The information for which FPL seeks confidential classification in its Request will continue to be confidential after the expiration of eighteen months. The competitive interests that would be damaged by the release of this information will still exist after eighteen months. The return of this information to FPL, if not admitted into evidence, would protect the interests of FPL and its customers. If the Confidential Information is admitted into the record, then the potential injury from disclosure of the Confidential Information will last longer than eighteen months and warrants the Commission finding that its confidential classification should not be limited to eighteen months

C. Dennis Brandt

Before me the undersigned authority personally appeared, on this the 21st day of March, 2002, C. Dennis Brandt, who is personally known to me.

Gelsys G. DiLella
Notary Public, State of Florida

GELSYS G. DILELLA

Printed name of notary

CC 90586

Commission number

My Commission expires:

