

STEEL ■
HECTOR
■ DAVIS
INTERNATIONAL™

Steel Hector & Davis LLP
200 South Biscayne Boulevard
Suite 4000
Miami, FL 33131-2398
305.577.7000
305.577.7001 Fax
www.steelhector.com

John T. Butler, P.A.
305.577.2939
jtb@steelhector.com

November 1, 2002

-VIA FEDERAL EXPRESS-

Blanca S. Bayó
Director, Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 020001-EI

Dear Ms. Bayó:

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 Certain Documents and Information Responsive to Staff's First Request for Production of Documents (Nos. 7 and 9-11), Second Set of Interrogatories (Nos. 34-36, 49 and 50) and Third Set of Interrogatories (Nos. 54, 61-63, 65-67, 77 and 79), together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows 2000, and the word processing software in which the documents appear is Word 2000.

If there are any questions regarding this transmittal, please contact me at 305-577-2939.

Very truly yours,



John T. Butler, P.A.

Enclosure

cc: Counsel for Parties of Record (w/encl.)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In re: Fuel and purchased power)
cost recovery clause with)
generating performance incentive)
factor.)
_____)**

**Docket No. 020001-EI
Dated: November 1, 2002**

**FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF CERTAIN DOCUMENTS
AND INFORMATION RESPONSIVE TO STAFF'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 7 AND 9-11),
SECOND SET OF INTERROGATORIES (NOS. 34-36, 49 AND 50),
AND THIRD SET OF INTERROGATORIES (NOS. 54, 61-63, 65-67, 77 AND 79)**

Florida Power & Light Company ("FPL"), pursuant to Rule 25-22.006, F.A.C., and Section 366.093, Florida Statutes, requests confidential classification of certain documents and information responsive to Requests No. 7 and 9-11 of Staff's First Request for Production of Documents, Interrogatories No. 34-36, 49 and 50 of Staff's Second Set of Interrogatories and Interrogatories No. 54, 61-63, 65-67, 77 and 79 of Staff's Third Set of Interrogatories (the "Confidential Discovery Responses"). In support of its Request, FPL states as follows:

1. FPL provided to Staff the documents and information responsive to Staff's First Request for Production of Documents and Second Set of Interrogatories on October 14, 2002. Contemporaneously, FPL filed a Notice of Intent to Seek Confidential Classification. FPL provided to Staff the documents and information responsive to Staff's Third Set of Interrogatories on October 21, 2002, and again filed contemporaneously a Notice of Intent to Seek Confidential Classification. All of the Confidential Discovery Responses are covered by either the October 14 Notice of Intent or the October 21 Notice of Intent. Rule 25-22.006, F.A.C. provides that, unless good cause is shown for delay, a party that has filed a notice of intent must then file a request for confidential classification of the information covered by the

DOCUMENT NUMBER - DATE

12028 NOV -4 8

FPSC-COMMISSION CLERK

notice of intent within 21 days. This Request is being filed within 21 days of FPL's filing the October 14 and October 21 Notices of Intent, and is intended to request confidential classification of the Confidential Discovery Responses consistent with Rule 25-22.006.

2. The following exhibits are included with this Request:

a. Composite Exhibit A consists of a copy of the Confidential Discovery Responses, in which all information that FPL asserts is entitled to confidential treatment has been highlighted. Composite Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

b. Composite Exhibit B consists of two copies of the Confidential Discovery Responses in which all information that FPL asserts is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing a line-by-line and page-by-page identification of the information in the Confidential Discovery Responses for which confidential treatment is sought, together with references to the specific statutory basis 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 consists of the affidavits of Keyvan Bohlooli, Director of Systems Operations & Administration for FPL's Energy Marketing & Trading Division, and Joseph P. Stepenovitch, Director of FPL's Energy Marketing & Trading Division. The affidavits attest to the asserted basis for confidential classification.

4. FPL seeks confidential protection for the information highlighted in Exhibit A. The highlighted information is confidential because it (a) comprises trade secrets of FPL, which

allow FPL to conduct its fuel procurement on favorable terms for FPL and its customers, and/or (b) comprises information relating to the competitive interests of vendors that FPL has agreed to protect as confidential. Disclosure of FPL's trade-secret information would provide other participants in the fuel markets insight into FPL's fuel-procurement practices that would allow them to anticipate FPL's procurement decisions and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers. *See* § 366.093(3)(a), Fla. Stat (2001) Disclosure of the information relating to vendors' competitive interests would violate FPL's commitments to protect the confidentiality of the vendor information and would impair FPL's ability to purchase goods and services in the future that require disclosure of vendors' competitive information because the vendors would not be confident that such information would be adequately protected. *See* § 366.093(3)(e), Fla. Stat (2001)

5. 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.

6. The material in Exhibit A for which FPL seeks confidential classification is intended to be and is treated by FPL as private, and its confidentiality has been maintained.

7. 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 and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business.

WHEREFORE, FPL respectfully requests that its Request for Confidential Classification of the Confidential Discovery Responses be granted.

Respectfully submitted,

R. Wade Litchfield, Esq.
Senior 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
200 South Biscayne Boulevard
Suite 4000
Miami, Florida 33131-2398
Telephone: 305-577-2939

By: *Korel M. Dubin for JTB*
John T. Butler, P.A.
Fla. Bar No. 283479

CERTIFICATE OF SERVICE
Docket No. 020001-EI

I certify that a copy of the foregoing Request for Confidential Classification was served by Federal Express (*) or United States mail on this 1st day of November, 2002, to the following persons:

Wm. Cochran Keating, IV, Esq.(*)
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Robert Vandiver, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399

Lee L. Willis, Esq.
James D. Beasley, Esq.
Ausley & McMullen
Attorneys for Tampa Electric
P.O. Box 391
Tallahassee, Florida 32302

James A. McGee, Esq.
Florida Power Corporation
P.O. Box 14042
St. Petersburg, Florida 33733

Joseph A. McGlothlin, Esq.
Vicki Gordon Kaufman, Esq.
McWhirter, Reeves, McGlothlin,
Davidson, et al.
Attorneys for FIPUG
117 South Gadsden Street
Tallahassee, Florida 32301

Norman H. Horton, Esq.
Floyd R. Self, Esq.
Messer, Caparello & Self
Attorneys for FPUC
215 South Monroe Street, Suite 701
Tallahassee, Florida 32302-0551

John W. McWhirter, Jr., Esq.
McWhirter, Reeves, McGlothlin,
Davidson, et al.
Attorneys for FIPUG
P.O. Box 3350
Tampa, Florida 33602

Jeffrey A. Stone, Esq.
Russell A. Badders, Esq.
Beggs & Lane
Attorneys for Gulf Power
P.O. Box 12950
Pensacola, Florida 32576-2950

By: *Kouel M. Dublin for JTB*
John T. Butler, P.A.

EXHIBIT A
CONFIDENTIAL DISCOVERY RESPONSES – NOT INCLUDED

EXHIBIT B
CONFIDENTIAL DISCOVERY RESPONSES
REDACTED COPY
Not included due to large volume
Available upon request

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Workpapers
TYPE: FPL., Fuel Cost Recovery Clause Docket No. 020001-EI

Staff's 1 st Request for POD's	Description	No. of Pages	Line No/Col No.	Florida Statute 366.093(3) Subsection	Affiant
POD Question No 7 Exhibit 7A bates 00007 – 00150 (Pages 00101-00123 were duplicates of pages 00053-00075 and taken out)	Fuel Hedging Program	143	p.11 lines 26-31 p.21 lines 5-38 p.22 lines 3-33 p.23 lines 2-17 p.24 lines 4-9, lines 30-34 p.25 lines 4-16 p.26 lines 3-18 p.28 lines 6-15 p.29 lines 2-8, lines 12-33 p.30 lines 3-5 p.31 lines 3-8, lines 10-22, lines 23-28, lines 33-37 p.32 lines 2-7 p.33 Col A, lines 30-32, Col B, lines 12, 30-32, Col D,E,F lines 3-35 p.34 All p.39 lines 4-5, 10-13, 15-30 p.40 lines 12-57 p.41-50 All p.51 lines 3-13 p.57 lines 11-18 p.58 -74 All p.75 All p.81 lines 13-22 p.83-94 All p.96 All p.97-99 All p.128 lines 10-35 p.131-138 All p.139 All p.144 lines 9-13 p.146-149 All	(a),(e) (e) (a),(e) (a),(e) (e) (a),(e) (a) (a),(e) (a),(e) (a) (e) (a),(e) (a) (e) (a) (a),(e) (a),(e) (a),(e) (a),(e) (a) (e) (e) (a),(e) (e) (e) (a),(e) (e) (e) (a),(e) (e) (e)	K. Bohlooli
POD Question No 7 Exhibit 7B bates 00151-00230	Gas Storage Project	79	p.156 lines 19-33 p.157 lines 9-18 p.158 lines 10-42 p.159-163 All p.164 lines 17-38	(e) (e) (e) (e) (e)	K. Bohlooli

Staff's 1 st Request for POD's	Description	No. of Pages	Line No/Col No.	Florida Statute 366.093(3) Subsection	Affiant
(Pages 00231-00261 were duplicates of pages 00195-00225 and taken out)			p.165-190 All p.191 lines 26-29, 38-40 p.192-194 All p.195 lines 14-19, 28-34 p.196 lines 18-38 p.197-199 All p.200 lines 1-21 p.201 lines 5-36 p.202 lines 1-25 p.204 lines 1-11, lines 29-40 p.205-206 All p.207 lines 10-42 p.208-213 All p.215-224 All p.226-230 All	(e) (e) (e) (e) (e) (e) (e) (e) (e) (e) (e) (e) (e) (e) (e)	
POD Question No 7 Exhibit 7C bates 00262-00281	Oil Confirmation Functional Specification	19	p.266 lines 8-9, 17-18, 21-25 p.267 lines 4-36 p.268 lines 5-25 p.269 All p.270 lines 3-16 p.271-281 All	(e) (e) (e) (e) (e) (e)	K. Bohlooli
POD Question No 9	Contract between FPL & Iconnix	25	p.284 lines 33-36 p.285 lines 1-2 p.287 lines 12-14 p.288 lines 23-38 p.295-300 All p.484-489 All	(e) (e) (e) (e) (e) (e)	K. Bohlooli
POD Question No 10	Contract between FPL & Dean Co.	4	p.302 lines 18-26 p.303 lines 5-7, 11-17, 18-22, 25-26	(e) (a)	J.P. Stepenovitch
POD Question No 11	Budget variance report	4	p.306 Col A,B,C, & D p.307a. Col A,B,C, & D p.307b. Col A,B,C,D, & E.	(e) (e) (e)	J.P. Stepenovitch

Staff's 2nd Set of Interrogatories	Description	No. of Pages	Line No/Col No.	Florida Statute 366.093(3) Subsection	Affiant
Interrogatory Question No 34	Fuel expenses	1	p.1 Col B,C,D,& E lines 2-5	(a),(e)	J.P. Stepenovitch
Interrogatory No 35	Fuel expenses	1	p.1 Col B, lines 1-3	(e)	J.P. Stepenovitch
Interrogatory Question No 36	Fuel expenses	1	p.1 Col B, lines 1-4	(e)	J.P. Stepenovitch
Interrogatory Question No 49	Consulting services expense	2	p.1 lines 2-4, 6-9, 10-12 p.2 Col F, lines 3-46, Col H, lines 32-46, Col I,J,K,L,M lines 3-46	(e) (a)	J.P. Stepenovitch
Interrogatory Question No 50	Iconnix payments	2	p.2 Col G, I,J,K,L,M,& N lines 3-17	(a)	K. Bohloli
Staff's 3rd Set of Interrogatories	Description	No. of Pages	Line No/Col No.	Florida Statute 366.093(3) Subsection	Affiant
Interrogatory Question No 54	Incremental security costs	1	p.1 lines 10-14	(c)	F. Irizarry
Interrogatory Question No 61	Projected economic indicators	1	p.1 lines 4.5, 5.5, 6.5, 7.5	(a),(e)	J.P. Stepenovitch
Interrogatory Question No 62	Economic indicators	1	p.1 lines 4.5, 5.5, 6.5, 7.5	(a),(e)	J.P. Stepenovitch
Interrogatory Question No 63	Economic indicators	1	p.1 lines 4.5, 5.5, 6.5, 7.5	(a),(e)	J.P. Stepenovitch
Interrogatory Question No 65	Economic indicators	1	p.1 lines 4.5, 5.5, 6.5	(a),(e)	J.P. Stepenovitch
Interrogatory Question No 66	Economic indicators	1	p.1 lines 4.5, 5.5, 6.5	(a),(e)	J.P. Stepenovitch
Interrogatory Question No 67	Economic indicators	1	p.1 lines 4.5, 5.5, 6.5	(a),(e)	J.P. Stepenovitch
Interrogatory Question No 77	Incremental expenses	2	p.1 lines 10-a, 11-b,c p.2 lines 1-2, 14-15, 27-28	(a) (a)	J.P. Stepenovitch
Interrogatory Question No 79	Incremental expenses	1	p.1 line 11	(a)	J.P. Stepenovitch

EXHIBIT D

**BEFORE THE FLORIDA
PUBLIC SERVICE COMMISSION**

In re: Florida Power & Light Company's
Request for Confidential Classification)
Of Material Provided pursuant to)
Fuel Cost Recovery Clause Docket No.)
020001-EI)

Docket No. 020001-EI
Filed _____

STATE OF FLORIDA)
)
PALM BEACH COUNTY)

AFFIDAVIT OF K. BOHLOOLI


BEFORE ME, the undersigned authority, personally appeared K. Bohlooli who, being first duly sworn, deposes and says:

1. My name is K. Bohlooli. I am currently employed by Florida Power & Light Company (FPL) as Director of Information Management. 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. Documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information relating to competitive interests, the disclosure of which may impair the competitive business of the provider of the information. In addition, some of the data included in Exhibit A constitute vendor-specific information including contract prices and other contract-related information. Disclosure of this information may impair FPL's competitive business interests and ability to contract on favorable terms.

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 maintain the confidentiality of these documents.

4. Affiant says nothing further.



K. Bohlooli

SWORN TO AND SUBSCRIBED before me this 30th day of October, 2002, by Kayvan Behlooli who is personally known to me or who has produced personally known to me (type of identification) as identification and who did take an oath.



Notary Public, State of Florida

My Commission Expires:



Sally A. Clark
Commission # DD 049448
Expires Sep. 24, 2005
Bonded Thru
Atlantic Bonding Co., Inc.

EXHIBIT D

**BEFORE THE FLORIDA
PUBLIC SERVICE COMMISSION**

In re: Florida Power & Light Company's)
Request for Confidential Classification)
Of Material Provided pursuant to)
Fuel Cost Recovery Clause Docket No.)
020001-EI)

Docket No. 020001-EI
Filed _____

STATE OF FLORIDA)
)
PALM BEACH COUNTY)

AFFIDAVIT OF J. P. STEPENOVITCH

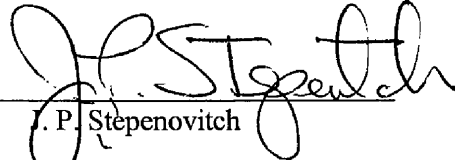
BEFORE ME, the undersigned authority, personally appeared J. P. Stepenovitch, who, being first duly sworn, deposes and says:

1. My name is J. P. Stepenovitch. I am currently employed by Florida Power & Light Company (FPL) as Director of Energy Marketing and Trading. 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. Documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information relating to competitive interests, the disclosure of which may impair the competitive business of the provider of the information. In addition, some of the data included in Exhibit A constitute vendor-specific information including contract prices and other contract-related information. Disclosure of this information may impair FPL's competitive business interests and ability to contract on favorable terms.

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 maintain the confidentiality of these documents.

4. Affiant says nothing further.



J. P. Stepenovitch

SWORN TO AND SUBSCRIBED before me this 30th day of October, 2002, by Joe Stepenovitch who is personally known to me or who has produced personally known to me (type of identification) as identification and who did take an oath.



Notary Public, State of Florida

My Commission Expires:


 Sally A. Clark
Commission # DD 049448
Expires Sep. 24, 2005
Bonded Thru
Atlantic Bonding Co., Inc.

EXHIBIT D

**BEFORE THE FLORIDA
PUBLIC SERVICE COMMISSION**

In re: Florida Power & Light Company's
Request for Confidential Classification)
Of Material Provided pursuant to)
Fuel Cost Recovery Clause Docket No.)
020001-EI)

Docket No. 020001-EI
Filed _____

STATE OF FLORIDA)
)
PALM BEACH COUNTY)

AFFIDAVIT OF F. IRIZARRY

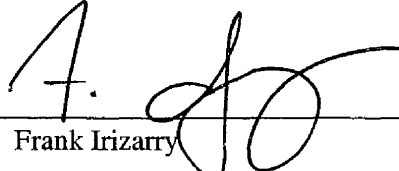
BEFORE ME, the undersigned authority, personally appeared Frank Irizarry, who, being first duly sworn, deposes and says:

1. My name is Frank Irizarry. I am currently employed by Florida Power & Light Company (FPL) as Manager of Business Services in the 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. Documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information relating to security measures, systems, or procedures, the disclosure of which may impair & threaten the security of the provider of the information

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 maintain the confidentiality of these documents.

4. Affiant says nothing further.



Frank Irizarry

SWORN TO AND SUBSCRIBED before me this 30 day of October, 2002, by FRANK IRIZARRY, who is personally known to me or who has produced _____ as identification and who did take an oath.



Notary Public, State of Florida

My Commission Expires:

