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October 3, 2003

- VIA FEDERAL EXPRESS -

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

RECEIVED-FPSC
03 OCT -6 AM 10:15
COMMISSION
CLERK

Re: Docket No. 030001-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 Information Responsive to Staff's Third Set of Interrogatories (Nos. 22 and 23), 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. Pursuant to Rule 25-22.006, F.A.C., I am also enclosing one highlighted and two redacted copies of the confidential documents that are the subject of this request.

On September 16, 2003, FPL filed a Notice of Intent to Seek Confidential Classification with respect to Staff's Third Set of Interrogatories. Enclosed with the Notice was a copy of the interrogatory responses with the information that FPL considered potentially confidential highlighted. FPL has subsequently determined that there were computational errors on page 2 of 3 to its response to Interrogatory No. 22, which affected certain numerical values that were shown on the highlighted, confidential copy. Those computational errors have been corrected on the enclosed highlighted copy of that page, which is marked "revised." FPL asks that the Staff refer to this revised page rather than to the originally filed page for any of the information contained thereon.

AUS _____
CAF _____
CMP _____
COM _____
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC _____
OTH _____

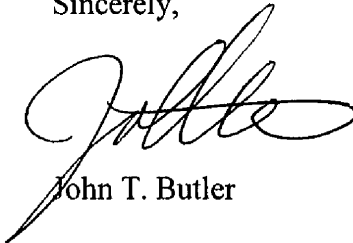
DOCUMENT NUMBER-DATE

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Blanca S. Bayó
October 3, 2003
Page 2

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

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Butler", with a large, sweeping flourish at the end.

John T. Butler

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. 030001-EI
Filed: October 6, 2003

FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION OF CERTAIN INFORMATION RESPONSIVE TO STAFF'S THIRD SET OF INTERROGATORIES (NOS. 22 AND 23)

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 information responsive to Interrogatories No. 22 and 23 of Staff's Third Set of Interrogatories (the "Confidential Interrogatory Responses"). In support of its Request, FPL states as follows:

1. FPL provided to Staff the information responsive to Staff's Third Set of Interrogatories on September 16, 2003. Contemporaneously, FPL filed a Notice of Intent to Seek Confidential Classification (the "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 notice of intent within 21 days. This Request is being filed within 21 days of the Notice of Intent, and is intended to request confidential classification of the Confidential Interrogatory 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 Interrogatory Responses, in which all information that FPL asserts is entitled to confidential treatment has

DOCUMENT NUMBER-DATE

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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 Interrogatory 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 Interrogatory 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.

d. Exhibit D consists of the affidavits of Osvaldo J. Lom, Supervisor for Purchase Power Contracts in FPL’s Wholesale Services Department, and Gerard J. Yupp, Manager of Regulated Wholesale Power Trading in FPL’s Energy Marketing and 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 contains or constitutes vendor-specific information regarding contract prices and other contract-related information. Disclosure of this information may impair the competitive business interests of FPL and/or the vendors, as well as FPL’s ability to contract on favorable terms. *See* §§ 366.093(3)(d) and (e), Fla. Stat (2002)

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 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:


John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE

Docket No. 030001-EI

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Request for Confidential Classification of Certain Information Responsive to Staff's Third Set of Interrogatories (Nos. 22 and 23) without exhibits (*) has been furnished by Federal Express (**) or United States Mail on the 3rd day of October, 2003, to the following:

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.
Progress Energy Florida, Inc.
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.
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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

* Redacted copies of exhibits furnished upon request

By:

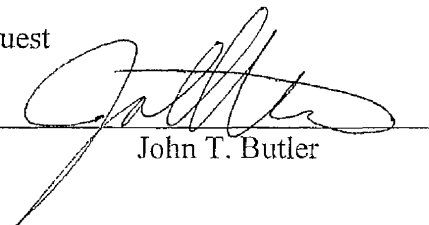

John T. Butler

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Interrogatories Responses
SUBJECT: Docket No. 030001-EI, Fuel and Purchased Power
 Cost Recovery Clause with Generating
 Performance Incentive Factor

<u>INTERROGATORY NO.</u>	<u>DESCRIPTION</u>	<u>NO. OF PAGES</u>	<u>CONF. Y/N</u>	<u>LINE NO./ COL. NO.</u>	<u>FLORIDA STATUTE 366.093(3) Subsection:</u>	<u>AFFIANT</u>
22 Page 2 of 3	Short term Capacity Payments	1	Y	Lines 3-8, Column D Lines 11-17, Column B-M Lines 20-25, Column B-O Lines 28 and 29	(d) (e)	G. Yupp
22 Page 3 of 3	Payments to Co-Generators	1	Y	Lines 4-12, Column B-P Lines 15-16, Column B-P	(d) (e)	O. Lom
23 Page 2 of 3	Short term Capacity Payments	1	Y	Lines 3-7, Column D Lines 10-15, Column B-M Lines 18-22, Column B-M	(d) (e)	G. Yupp
23 Page 3 of 3	Payments to Co-Generators	1	Y	Lines 3-11, Column B-P Lines 14-15, Column B-P	(d) (e)	O. Lom
25 Page 2 of 6	Transmission of Electricity by others (1) and Transmission Revenue from Capacity Sales (2)	1	N	ALL		
25 Page 3 of 6	SJRPP Energy Suspension Payments Jan-Jun 2003	1	N	ALL		

<u>INTERROGATORY NO.</u>	<u>DESCRIPTION</u>	<u>NO. OF PAGES</u>	<u>CONF. Y/N</u>	<u>LINE NO./ COL. NO.</u>		
25 Page 4 of 6	SJRPP Energy Suspension Payments Jul-Dec 2003	1	N	ALL		
25 Page 5 of 6	Capacity Portion Okeelanta Settlement	1	N	ALL		
25 Page 6 of 6	Incremental Plant Security Costs	1	N	ALL		
26 Page 2 of 6	Transmission of Electricity by other (1) and Transmission. Revenue from Capacity Sales (2)	1	N	ALL		
26 Page 3 of 6	SJRPP Energy Suspension Payments Jan-Jun 2004	1	N	ALL		
26 Page 4 of 6	SJRPP Energy Suspension Payments Jul-Dec 2004	1	N	ALL		
26 Page 5 of 6	Capacity Portion Okeelanta Settlement	1	N	ALL		
26 Page 6 of 6	Incremental Plant Security Costs	1	N	ALL		

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power) DOCKET NO. 030001-EI
Cost Recovery Clause with Generating)
Performance Incentive Factor) FILED: October 3, 2003

STATE OF FLORIDA)
) AFFIDAVIT OF OSVALDO J. LOM
COUNTY OF MIAMI-DADE)


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

1. My name is Osvaldo J. Lom. I am currently employed by Florida Power & Light Company ("FPL") as Supervisor, Purchase Power Contracts, Wholesale Services. My business address is 9250 West Flagler Street, Miami, Florida. I have personal knowledge of the matters stated in this affidavit.

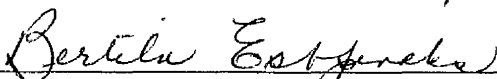
2. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as affiant and which are included in Exhibit A to FPL's Request for Confidential Classification of Materials provided in response to Staff's Third Set of Interrogatories. Documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute vendor-specific information regarding contract prices and other contract-related information. Disclosure of this information may impair the competitive business interests of FPL and/or the vendors, as well as FPL's 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.

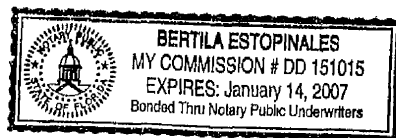
4. Affiant says nothing further.


Osvaldo J. Lom

SWORN TO AND SUBSCRIBED before me this 29 day of September 2003, by Osvaldo J. Lom, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.


Notary Public, State of Florida

My Commission Expires:



BEFORE THE

FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power) DOCKET NO. 030001-EI
Cost Recovery Clause with Generating)
Performance Incentive Factor) FILED: October 3, 2003

STATE OF FLORIDA)
) AFFIDAVIT OF GERARD J. YUPP
)
PALM BEACH COUNTY)

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

1. My name is Gerard J. Yupp. I am currently employed by Florida Power & Light Company (FPL), Energy Marketing and Trading (EMT) Division, as Manager of Regulated Wholesale Power 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 of Materials provided in response to Staff's Third Set of Interrogatories. Documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute vendor-specific information regarding contract prices and other contract-related information. Disclosure of this information may impair the competitive business interests of FPL and/or the vendors, as well as FPL's 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.

Gerard J. Yupp
Gerard J. Yupp

SWORN TO AND SUBSCRIBED before me this 29th day of September, 2003, by Gerard J. Yupp, who is personally known to me or who has produced personally known (type of identification) as identification.

Marie B. Lopez
Notary Public, State of Florida

My Commission Expires: 7/17/04

