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ORIGINAL

Writer's Direct Dial:
(561) 691-7101

April 2, 2004

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COMMISSION
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VIA HAND DELIVERY

Ms. Blanca S. Bayo, Director
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
Betty Easley Conference Center, Room 110
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

**Re: Florida Power & Light Company's First Request for Extension
of Confidential Classification Granted by Order No. PSC-02-1331-CFO-EI
Docket No: 020262-EI, Docket No. 020263-EI**

Dear Ms. Bayo:

I enclose and hand you herewith for filing in the above-referenced matter, the original and five (5) copies of Florida Power & Light Company's ("FPL") First Request for Extension of Confidential Classification Granted by PSC Order No. 02-1331-CFO-EI. Exhibits A, B, and C from the previous filing subject to PSC Order No. 02-1331-CFO-EI are incorporated herein by reference.

Exhibit D contains the Affidavit of John Gnecco in support of FPL's First Request for Extension of Confidential Classification. Also included herewith is a computer diskette containing FPL's Request for Confidential Classification in Word. Please contact me should you or your Staff have any questions regarding this filing.

Sincerely,

R. Wade Litchfield

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FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Determination of Need)
for Proposed Electrical Power Plant in)
Martin County of Florida Power and)
Light Company)

DOCKET NO, 020262-EI

Filed: **April 2,2004**

In re: Petition for Determination of Need)
For Proposed Electrical Power Plant in)
Manatee County of Florida Power and)
Light Company)

DOCKET NO. 020263-EI

Filed: **April 2,2004**

**FLORIDA POWER & LIGHT COMPANY'S
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL
CLASSIFICATION GRANTED BY ORDER NO. PSC-02-1331-CFO-EI**

NOW, BEFORE THE 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 submits its First Request for Extension of Confidential Classification Granted by Order No. PSC-02-1331-CFO-EI of the Florida Public Service Commission ("FPSC" or "Commission"), issued in Docket Nos. 020262-EI and 020263-EI in connection with FPL's responses to Interrogatories Nos. 106 and 107 to CPV Gulfcoast, Ltd.'s ("CVP") Third Set of Interrogatories. 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, Florida 32301-1859
(850) 521-3910
(850) 521-3939 Facsimile

R. Wade Litchfield
Florida Power & Light Company
Senior Attorney
700 Universe Boulevard
Juno Beach, Florida 33408-0420
(561) 691-7101
(561) 691-7135 Facsimile

2. On September 18, 2002, FPL filed with the Commission its Request for Confidential Classification for certain documents and information responsive to CPV's Third Set of Interrogatories. Exhibit A to the Request contains Confidential Information. Exhibit B to the Request contains two redacted versions of the materials in Exhibit A. Exhibit C to the Request contains a field-by-field justification for the confidential classification. By Order No. PSC-02-1331-CFO-EI, issued October 2, 2002, the Commission granted FPL's Request.

3. **The** period of confidential treatment granted by the Commission soon will expire. The information that was the subject of FPL's September 18, 2002 Request warrants continued treatment as proprietary **and** confidential business information with the meaning of Section 366.093. Accordingly, FPL hereby submits its First Request for Extension of Confidential Classification.

4. FPL adopts and incorporates by reference its September 18, 2002 and September 17, 2002 request, including Exhibits A, B, and C. In addition, FPL submits as Exhibit D the affidavit of John Gnecco in support of this Request.

5. FPL submits that such information is proprietary confidential business information within the meaning of section 366.093(3). Pursuant to section 366.093, such materials 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.

6. The Confidential Information for which FPL seeks extension of confidential classification consists of FPL's responses to Interrogatories Nos. 106 and 107 to CPV's Third Set of Interrogatories in FPSC Docket Nos. 020262-EI and 020263-EI.

7. The material for which extension of confidential classification is sought contains contractual pricing terms between FPL and its vendors for goods and services related to its Fort Myers and Sanford Repowering projects. These contractual pricing terms are intended to be and have been treated by FPL and its vendors as private and confidential and **have** not been publicly disclosed. FPL's vendors require that the contractual terms and conditions for these goods **and** services, including the pricing of contract change orders, be **kept** confidential. FPL can only secure favorable terms **and** conditions for these goods and services if the providers of such goods and services are confident that the terms and conditions they are providing will not become public knowledge and then be used against them in subsequent negotiations with other prospective customers.

8. The disclosure of such information could significantly impair the competitive business interests of FPL and FPL's vendors by impairing their efforts to contract for goods and services on favorable terms. Thus, disclosure of the Confidential Information would injure FPL, FPL's vendors, and FPL's customers.

9. **As** indicated by Mr. Gnecco in his affidavit, much of the Confidential Information for which FPL continues to seek confidential classification contains contractual pricing terms that FPL is required to maintain as confidential through 2010. Specifically, FPL is required by

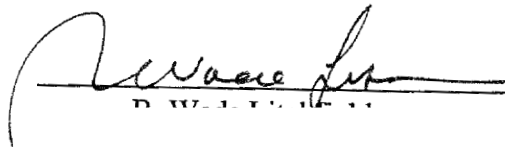
contract to keep the contractual pricing terms with Black & Veatch, General Electric, Foster Wheeler, and Siemens Westinghouse confidential through 2010. Accordingly, FPL requests that the information referenced above in this request be accorded confidential classification for an additional 18-month period. FPL further requests that the information be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavit included herewith or incorporated herein by reference, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

R. Wade Litchfield
Florida Authorized House Counsel
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Tel: (561) 691-7101
Fax: (561) 691-7135

Attorneys for Florida Power & Light Company



A handwritten signature in cursive script, appearing to read "R. Wade Litchfield", is written over a horizontal line. Below the line, the name "R. WADE LITCHFIELD" is printed in a small, spaced-out font.

CERTIFICATE OF SERVICE
DOCKET NOS. 020262-EI and 020263-EI

I HEREBY CERTIFY that a true **and** correct copy of the foregoing First Request for Extension has been furnished by U.S. Mail or Hand Delivery (*) to the following **parties** on this 2nd day of April 2004:

Martha Carter Brown, **Esq.**
Legal Division
Florida Public Service Commission
2540 Shumard *Oak* Boulevard
Tallahassee, Florida 32399-0850

Harold McLean
Office of Public Counsel
c/o Florida Legislature
111 W. Madison Street
Room 812
Tallahassee, Florida 32399-1400

Michael B. Twomey, Esq.
P. O. Box 5256
Tallahassee, FL 32314-5256

Florida Industrial Power Users **Group**
c/o John W. McWhirter
McWhirter Reeves
400 North **Tampa** Street, Suite 3350
Tampa, FL 33602

Florida **Action** Coalition Team
Ernie Bach
P. O. Box 100
Largo, FL 33779-0100

McWhirter Law Firm
Joseph McGlothlin/Vicki Kaufman/Perry
117 **S. Gadsden St.**
Tallahassee, FL 32301

Moyle **Law Firm** (Tall)
Jon Moyle/Cathy Sellers
118 North **Gadsden** Street
Tallahassee, FL 32301

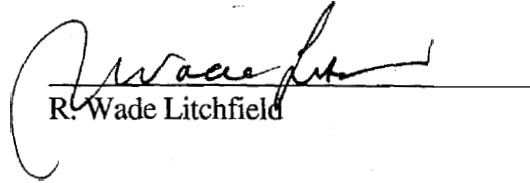
Michael Green
1049 Edmiston Place
Longwood, FL 32779

Calpine Eastern Corporation
Timothy **R. Eves**/Joseph **A. Regnery**
2701 North Rocky Point Drive
Suite 1200
Tampa, FL 33607

Florida Partnership for Affordable Competitive
Energy
P. O. Box 11062
Tallahassee, FL 32301

Landers Law Firm
Scheffel Wright/D. Kiesling/J. LaVia
310 West College Avenue
Tallahassee, FL 32301

Leslie J. Paugh, P.A.
P.O. Box 16069
Tallahassee, FL 32317-6069



R. Wade Litchfield

EXHIBIT D

**AFFIDAVIT OF
JOHN GNECCO**

EXHIBIT D

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH) **AFFIDAVIT OF JOHN C GNECCO IV, P.E.**
) April 2, 2004

BEFORE ME, the undersigned authority, this day personally appeared John Gnecco, who, first being duly sworn, deposes and states:

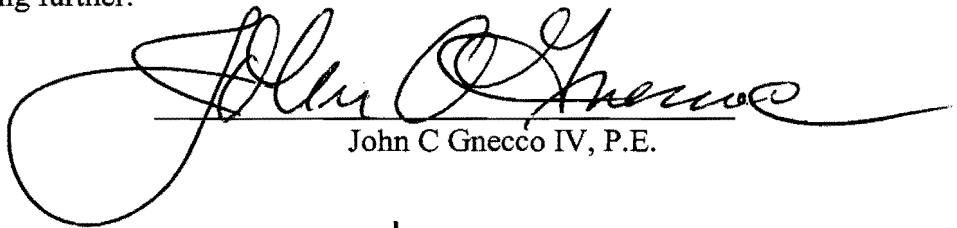
1. My name is John C. Gnecco IV, P.E.. I am employed by Florida Power & Light Company (“FPL”) as Project Engineering Manager in the Engineering and Construction Division. In my role as Project Engineering Manager I am responsible for the engineering and design of power plants in Florida.

2. I have reviewed FPL’s First Request for Extension for Confidential Classification Granted by Order No. PSC-02-1331-CFO-EI ”), issued in Docket Nos. 020262-EI and 020263-EI in connection with FPL’s responses to Interrogatories Nos. 106 and 107 to CPV Gulfcoast, Ltd.’s (“CVP”) Third Set of Interrogatories. The representations FPL makes therein regarding Confidential Information are true and correct. The information that FPL identifies therein as Confidential Information is proprietary and confidential, the disclosure of which would be harmful to FPL. The material for which extension of confidential classification is sought contains contractual pricing terms between FPL and its vendors for goods and services related to its Fort Myers and Sanford Repowering projects. These contractual pricing terms are intended to be and have been treated by FPL and its vendors as private and confidential and have not been publicly disclosed. FPL’s vendors require that the contractual terms and conditions for these goods and services, including the pricing of contract change orders, be kept confidential. FPL can only secure favorable terms and conditions for these goods and services if the providers of

such goods and services are confident that the terms and conditions they are providing will not become public knowledge and then be used against them in subsequent negotiations with other prospective customers.

3. Much of the Confidential Information for which FPL continues to seek confidential classification contains contractual pricing terms that FPL is required to maintain as confidential through 2010. Specifically, FPL is required by contract to keep the contractual pricing terms with Black & Veatch, General Electric, Foster Wheeler, and Siemens Westinghouse confidential through 2010. Accordingly, FPL requests that the information referenced above in this request be accorded confidential classification for an additional 18-month period. FPL further requests that the information be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business.

4. Affiant says nothing further.


John C Gnecco IV, P.E.

SWORN TO AND SUBSCRIBED before me this 1st day of April, 2004, by John C Gnecco IV, P.E., 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:



Elizabeth Carrero
My Commission DD002041
Expires February 18, 2005