

ORIGINAL

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
305.577.2939
jbutler@steelhector.com

April 23, 2004

-VIA OVERNIGHT DELIVERY -

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

RECEIVED-FPSC
04 APR 26 AM 10:36
COMMISSION
CLERK

Re: Docket No. 040001-EI

Dear Ms. Bayó:

The final audit report, dated April 5, 2004, for the Commission Staff's audit of high priority items in the Fuel Cost Recovery Clause (Audit Control No. 04-023-4-1) states that, if FPL wishes to respond to the audit report, it should file its response with your office. FPL has prepared a response, portions of which it considers to be confidential. Accordingly, I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's Notice of Intent to Seek Confidential Classification of Audit Response (Audit Control No. 04-023-4-1), together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows XP, 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 FPL's audit response that is the subject of this request.

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

This docketed notice of intent was filed with Confidential Document No. 04848-04. The document has been placed in confidential storage pending timely receipt of a request for confidentiality. (See 04354-04, 04355-04, 04646-04)

Sincerely,

Kevin M. Butzin for JTB

John T. Butler

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

MIA2001 280280v1

Miami West Palm Beach Tallahassee Naples Key West London Caracas São Paulo Rio de Janeiro Santo Domingo

DOCUMENT NUMBER DATE

04847 APR 26 04

FPSC-COMMISSION CLERK

RCA 1
AUS
CAF
CMP
COM
CTR
ECR
GCL
OPC
MMS
SEC 1
OTH | conf records

DISTRIBUTION CENTER
04 APR 26 AM 10:36

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

**Docket No. 040001-EI
Filed: April 26, 2004**

**FLORIDA POWER & LIGHT COMPANY'S NOTICE OF INTENT
TO SEEK CONFIDENTIAL CLASSIFICATION OF RESPONSE
TO AUDIT REPORT (AUDIT CONTROL NO. 04-023-4-1)**

Pursuant to Section 366.093, Florida Statutes and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby files this Notice of Intent to Seek Confidential Classification (the "Notice") of certain information in its response (the "Audit Response") to the Commission Staff's audit report for Audit Control No. 04-023-4-1, dated April 5, 2004 (the "Audit Report"). FPL is filing the Audit Response in this docket contemporaneously with the Notice. In support of the Notice, FPL states the following:

The Audit Report contains three disclosures. FPL believes that a response to each of the disclosures is warranted. The Audit Report directs that, if FPL wishes to respond, it is to file the response with the Commission Clerk's office. FPL hereby gives notice of its intent to seek confidential classification with respect to portions of the Audit Response pursuant to Rule 25-22.006(3)(a), Florida Administrative Code. A copy of the Audit Response with the confidential portions highlighted, together with a copy of the cover page of the Audit Report directing that responses be filed with the Commission Clerk's office, are attached to the original of the Notice only.

DOCUMENT NUMBER-DATE

04847 APR 26 8

FPSC-COMMISSION CLERK

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

Respectfully submitted,

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: Karel M. Datsin for JTB
John T. Butler
Florida Bar No. 283479

CERTIFICATE OF SERVICE

Docket No. 040001-EI

I **HEREBY CERTIFY** that a true and correct copy of Florida Power & Light Company's Notice of Intent to Seek Confidential Classification of Response to Audit Report (Audit Control No. 04-023-4-1) has been furnished by overnight delivery (*) or United States Mail on this 23rd day of April, 2004, 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.
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: Karel M. Butler for JTB
John T. Butler