



Natalie F. Smith
Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 691-7207
(561) 691-7135 (Facsimile)

July 30, 2004

VIA OVERNIGHT MAIL

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

**Re: Florida Power & Light Company's First Request for Extension of
Confidential Classification of Materials Provided in the Natural Gas
Audit No. 00-353-4-1**

Dear Ms. Bayó:

Enclosed please find for filing in the above-referenced matter, the original and two (2) copies of Florida Power & Light Company's (FPL) First Request for Extension of Confidential Classification of Materials Provided in the Environmental Cost Recovery Audit No. 00-353-4-1. Exhibits A, B, and C from the previous filing subject to PSC Order No. 03-0158-CFO-EI are incorporated herein by reference.

Exhibit D contains the Affidavits of William J. Murphy, James Gill, and Dave Storck in support of FPL's First Request for Extension of Confidential Classification. Also included herewith is a computer diskette containing FPL's First Request for Extension of Confidential Classification in Word.

Pursuant to rule 25-22.006(3)(d) of the Florida Administrative Code, FPL requests confidential treatment of the documents in Exhibit A pending disposition of FPL's First Request for Extension of Confidential Classification. Please acknowledge receipt of this document by stamping the extra copy of this letter "filed" and returning the same to me in the enclosed self-addressed stamped envelope. Please contact me if you have questions regarding this filing.

Sincerely,

A handwritten signature in cursive script that reads "Natalie F. Smith".

Natalie F. Smith

NFS:ec
Enclosures

an FPL Group company

DOCUMENT NUMBER-DATE

08289 JUL 30 4

FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: First Request for Extension of Confidential) DOCKET NO. _____
Classification Granted by)
Order No. PSC-03-0158-CFO-EI)
in Docket No. 010534-EI) FILED: July 30, 2004

**FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL
CLASSIFICATION OF MATERIALS PROVIDED IN THE
NATURAL GAS AUDIT NO. 00-353-4-1**

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 of certain material provided to the Florida Public Service Commission ("FPSC" or "Commission") staff ("Staff") in connection with the Natural Gas Audit (Audit Control No. 00-353-4-1) (the "Audit"). In support of its First 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, II
Florida Power & Light Company
Vice President
215 South Monroe Street, Suite 810
Tallahassee, Florida 32301-1859
(850) 521-3910 Telephone
(850) 521-3939 Facsimile

R. Wade Litchfield, Senior Attorney
Natalie F. Smith, Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
(561) 691-7100 Telephone
(561) 691-7135 Facsimile

2. On April 18, 2001, FPL filed its Request for Confidential Classification of certain materials obtained during the Audit. FPL's initial filing consists of the Request for Confidential Classification and Exhibits A through D. FPL's April 18, 2001 request subsequently was amended by filings dated May 14, 2001, June 22, 2001 and July 20, 2001.

3. By Order No. PSC-03-0158-CFO-EI, dated January 31, 2003, the Commission granted FPL's request.

4. The period of confidential treatment granted by the Commission will soon expire. The information that was the subject of FPL's July 20, 2001 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.

5. FPL incorporates herein by reference Exhibits A, B and C from its initial filing.

6. Included herewith and made a part hereof is Exhibit D. Exhibit D consists of the Affidavits of William J. Murphy, James Gill, and Dave Storck which Affidavits shall replace Exhibit D previously filed. The Affidavit of William J. Murphy replaces the Affidavit of Paul A. Karns previously filed.

7. 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.

8. FPL seeks confidential protection for the information highlighted in Exhibit A. The highlighted information consists principally of natural gas purchasing practices and costs within FPL. Specifically, most of the information relates to the natural gas purchasing costs and practices of Energy Marketing and Trading, a division of FPL, on behalf of FPL, FPL Energy Services, Inc. (“FPLES”) and FPL Energy, LLC (“FPL Energy”). Such information relates to competitive interests of FPL, FPLES and FPL Energy and/or concerns bids or other contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for natural gas on favorable terms or would otherwise impair their competitive business. For example, such information includes pricing models, customer purchase prices and usage, and non-tariffed commodity and transmission pricing. Accordingly, FPL seeks confidential treatment for such information pursuant to sections 366.093(3)(d) and/or (e).

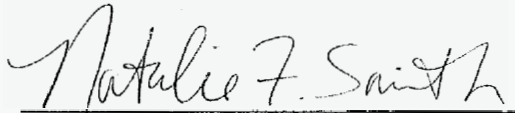
9. As indicated in Exhibit C, FPL also seeks confidential treatment for a small portion of the materials consisting of employee phone numbers and internal audit information pursuant to sections 366.093 (3)(f) and (b), respectively. As reflected in the affidavits attached hereto as Exhibit D, FPL considers such information to be confidential proprietary business information within the meaning of section 366.093(3).

10. Pursuant to section 366.093, materials found to be proprietary confidential business information 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.

11. 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, including those set forth in the supporting materials and affidavits included herewith, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

A handwritten signature in cursive script that reads "Natalie F. Smith". The signature is written in black ink on a light-colored background.

Natalie F. Smith
Attorney for Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Tel. (561) 691-7207
Fax: (561) 691-7135

EXHIBIT D

EXHIBIT D

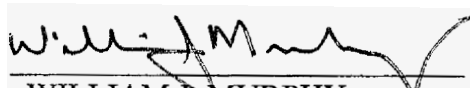
BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

STATE OF FLORIDA)
)
PALM BEACH COUNTY)

AFFIDAVIT OF WILLIAM J. MURPHY

Before me the undersigned authority personally appeared William J. Murphy who, being first duly sworn, deposes and says:

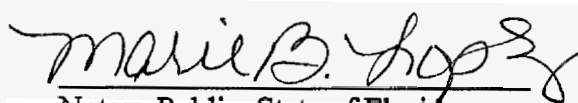
1. My name is William J. Murphy. I am currently employed by Florida Power & Light Company (FPL), Energy Marketing and Trading (EMT) Division, as Manager of Natural Gas, Marketing and Organization. I have knowledge of the matters stated in this affidavit.
2. With respect to Exhibit C, I have reviewed 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 pursuant to 366.093 (3) (d) (e).
3. The obtained materials should remain confidential for a period of not less than 18 months and 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 confidential nature of these documents.
4. Affiant says nothing further.



WILLIAM J. MURPHY

SWORN TO AND SUBSCRIBED before me this 20th day of July, 2004, by William J. Murphy, who is personally known to me.





Notary Public, State of Florida
My Commission Expires: 7/17/08

EXHIBIT D

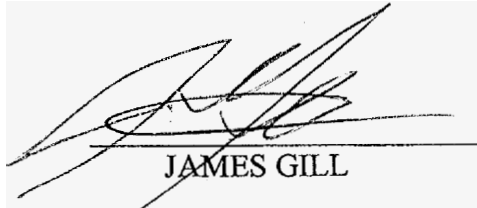
BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

STATE OF FLORIDA)
)
PALM BEACH COUNTY)

AFFIDAVIT OF JAMES GILL

Before me the undersigned authority personally appeared James Gill who, being first duly sworn, deposes and says:

1. My name is James Gill. I am currently employed by Florida Power & Light Company (FPL), as Manager of Products and Services. 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 pursuant to 366.093 (3) (d) (e) F.S.
3. The obtained materials should remain confidential for a period of not less than 18 months and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct it business so that FPL can maintain the confidential nature of these documents.
4. Affiant says nothing further.

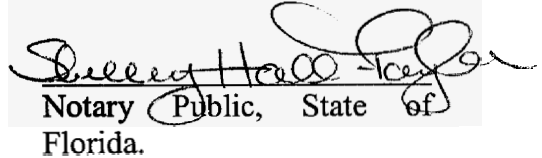


JAMES GILL

SWORN TO AND SUBSCRIBED before me this 20 day of July, 2004 by James Gill, who is personally known to me.



Shelley F. Hall-Taylor
Commission #DD303194
Expires: Apr 06, 2008
Bonded Thru
Atlantic Bonding Co., Inc.



Notary Public, State of
Florida.

My Commission Expires: April 6, 2008

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

STATE OF FLORIDA)
)
MIAMI DADE COUNTY) AFFIDAVIT OF DAVID STORCK

BEFORE ME, the undersigned authority personally appeared David Storck who, being duly sworn, deposes and says:

1. My name is David Storck. I am currently employed by Florida Power & Light Company (“FPL”) as Senior Analyst, Rates and Tariffs. I have personal knowledge of the matters stated in this affidavit.

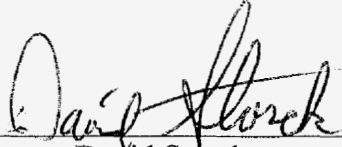
2. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant and which are included in Exhibit A to FPL’s Request for Confidential Classification. Such documents or materials that reviewed and which, in whole or in part, are asserted by FPL to proprietary confidential business information, contain or constitute customer-specific account information with respect to FPL customers. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh and bills. FPL treats such information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer without the permission of the customer.

3. FPL’s policy is premised upon the customers’ right to privacy and the potential that the disclosure of customer specific information may harm some customers’ competitive interests or disclose their trade secrets. FPL’s customers have affirmed to FPL their interest in having this information maintained confidential. For many of these customers, electric usage is an important part of their production or operating costs. Thus, the disclosure of rate or contract information, as well as consumption levels or patterns, could provide competitors with commercially sensitive information that would afford such competitors an unfair advantage. For others, non-disclosure of the information is simply a matter of privacy. While it may be that the disclosure of such information may be more sensitive for some customers than for others, FPL has not sought to make a case-by-case determination as to the level of sensitivity or potential harm with respect to disclosing particular customers’ information; rather, in deference to its customers, as a matter of policy, and in the interest of customer privacy, FPL has not disclosed to third parties specific rate and contract information for non-governmental*customers unless required by law or unless the customer consents to such disclosure. This policy is important from both a practical and theoretical

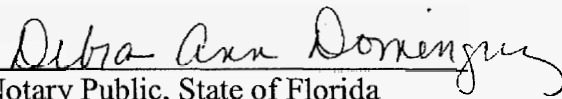
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standpoint. Customers want the assurance that their information is protected to the same extent as any other customer's. Also, practically speaking, it would be difficult and perhaps impossible task to make a case-by-case determination as to what level of protection each customer's data may merit.

4. The information referred to in this affidavit should be maintained as confidential for a period of not less than eighteen months. In addition, these materials 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 continue to maintain the confidentiality of these documents.
5. Affiant says nothing further.


David Storck

Before me the undersigned authority personally appeared, on this day the 7 day of JUNE 2004, David Storck, who is personally known to me.


Notary Public, State of Florida
My Commission Expires: *April 20, 2008*



Debra Ann Dominguez
Commission # DD312184
Expires: April 20, 2008
Aron Notary 1-800-350-5161