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October 14, 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

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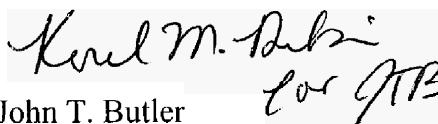
Re: Docket No. 040001-EI

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 Second Set of Interrogatories (Nos. 16 and 17), 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 the confidential documents that are the subject of this request.

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

Sincerely,


John T. Butler

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

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power)	Docket No. 040001-EI
cost recovery clause with)	Filed: October 15, 2004
generating performance incentive)	
factor.)	
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**FLORIDA POWER AND LIGHT COMPANY’S REQUEST FOR CONFIDENTIAL
CLASSIFICATION OF CERTAIN INFORMATION RESPONSIVE TO STAFF’S
SECOND SET OF INTERROGATORIES (NOS. 16 AND 17)**

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. 16 and 17 of Staff’s Second 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 Second Set of Interrogatories on September 30, 2004. 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

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 affidavit in support of the requested classification.

d. Exhibit D is the affidavit of Gerard J. Yupp, Manager of Regulated Wholesale Power Trading in FPL’s Energy Marketing and Trading Division. The affidavit attests 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
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Juno Beach, Florida 33408-0420
Telephone: 561-691-7101

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Attorneys for Florida Power & Light
Company
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Telephone: 305-577-2939

By: 
John T. Butler
Fla. 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 Request for Confidential Classification of Certain Information Responsive to Staff's Second Set of Interrogatories (Nos. 16 and 17) without exhibits (*) has been furnished by overnight delivery (**) or United States Mail on the 15th day of October, 2004, to the following:

Adrienne E. Vining, Esq.(**)
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
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Beggs & Lane
Attorneys for Gulf Power
P.O. Box 12950
Pensacola, Florida 32576-2950

* Redacted copies of exhibits furnished upon request

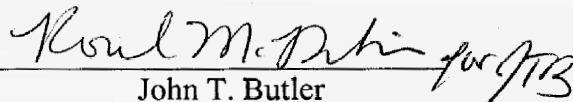
By: 
John T. Butler

Exhibit C

Justification Table

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Workpapers
DISCOVERY: Staff's Second Set of Interrogatories

Question No.	Description	No. of Pages	Conf Y/N	Line No./Col No.	Florida Statute 366.903(3) Subsection	Affiant
16	Contract Page 3 of 3	1	Y	Lines 14-22, Cols B-M Line 26-34, Cols B-M	(d) (e)	G.YUPP
17	Contract Page 3 of 3	1	Y	Lines 10-14, Cols B-M Lines 18-22, Cols B-M	(d) (e)	G.YUPP

Exhibit D

AFFIDAVIT

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power) DOCKET NO. 040001-EI
Cost Recovery Clause with Generating)
Performance Incentive Factor) DATED: October 8, 2004

STATE OF FLORIDA)
) **AFFIDAVIT OF GERARD YUPP**
PALM BEACH COUNTY)

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

1. My name is Gerard Yupp. I am currently employed by Florida Power & Light Company ("FPL") as Manager of Regulated Wholesale Power Trading in the Energy Marketing and Trading Division. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the documents and information for which I am listed as Affiant in Exhibit C and which are included in Exhibit A to FPL's Request for Confidential Classification of Certain Information Responsive to Staff's Second Set of Interrogatories (Nos. 16 and 17). The documents and materials that I have reviewed and that FPL asserts in Exhibit C to be proprietary confidential business information, contain or constitute vendor-specific information regarding contract prices and other contract-related information. Disclosure of this information would impair the competitive interests of FPL and/or the vendors, as well as FPL's ability to contract on favorable terms. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of eighteen (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 continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.

Gerard Yupp
Gerard Yupp

SWORN TO AND SUBSCRIBED before me this 8th day of October, 2004, by Gerard Yupp, who is personally known to me or who has produced personally known of identification) as identification and who did take an oath.

Marie B. Lopez
Notary Public, State of Florida

My Commission Expires: 7/17/08

