

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

January 6, 2005

- VIA OVERNIGHT DELIVERY -

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

Re: Docket No. 050001-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 Request for Production of Documents (Nos. 10-12), 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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Miami West Palm Beach Tallahassee Naples Key West London Caracas São Paulo

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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power)	Docket No. 050001-EI
cost recovery clause with)	Filed: January 7, 2005
generating performance incentive)	
factor.)	

**FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL
CLASSIFICATION OF CERTAIN INFORMATION RESPONSIVE TO STAFF'S
THIRD REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 10-12)**

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 contained in documents responsive to Requests 10-12 of Staff's Third Request for Production of Documents (the "Confidential Discovery Responses"). In support of its Request, FPL states as follows:

1. FPL served its written response to Staff's Third Request for Production of Documents on December 16, 2004, via overnight delivery. On December 17, 2004, FPL filed a Notice of Intent to Seek Confidential Classification with respect to the Confidential Discovery Responses. 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 December 17 notice of intent, and is intended to request confidential classification of the Confidential Discovery 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 Discovery Responses, in which all information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit A is submitted separately in a sealed folder marked “CONFIDENTIAL.”

b. Composite Exhibit B consists of two copies of the Confidential Discovery Responses in which all information that FPL asserts is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A, together with references to the specific statutory bases for the claim of confidentiality and to the affidavits in support of the requested classification.

d. Exhibit D consists of the affidavits of Mr. Gerard Yupp, who is the Manager of Regulated Wholesale Power Trading in FPL’s Energy Marketing and Trading Division, Mr. Claude Villard, who is FPL’s Manager of Nuclear Fuel in FPL’s Nuclear Division, and Mr. Kenneth Brockway, who is Manager of Coal in FPL’s Power Generation Business Unit. The affidavits attest to the asserted bases for confidential classification.

3. FPL seeks confidential protection for the information highlighted in Exhibit A. The highlighted information is confidential because it relates to bids and other contractual data, the disclosure of which would impair FPL’s ability to contract for fuel on favorable terms, *see* § 366.093(3)(d), Fla. Stat; and because it relates to competitive interests of FPL and of vendors from whom FPL purchases or has considered purchasing fuel, the disclosure of which would impair their competitive businesses, *see* § 366.093(3)(e), Fla. Stat..

4. FPL submits that the highlighted information in Exhibit A 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.

5. The highlighted information in Exhibit A is intended to be and is treated by FPL as private, and its confidentiality has been maintained.


6. Upon a finding by the Commission that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), pursuant to Section 366.093(4) such information 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 confidential classification of the Confidential Discovery Responses.

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. 050001-EI

I certify that a copy of the foregoing Request for Confidential Classification of Certain Information Responsive to Staff's Third Request for Production of Documents (*) was served by overnight delivery (**) or United States mail on this 6th day of January, 2005, to the following persons:

Adrienne E. Vining, Esq.(**)
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Patricia Christensen, 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: *John T. Butler*
John T. Butler

* Due to their volume, the exhibits to the Request are not included with the service copies, but Exhibits B, C and D are available upon request.