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May 18, 2005

**VIA HAND DELIVERY**

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 Request for Confidential Classification of  
Certain Information Provided in Connection with Audit No. 05-028-4-1  
Docket No. 050001-EI**

Dear Ms. Bayó:

Enclosed for filing in the above-referenced docket are the original and seven (7) copies of Florida Power & Light Company's (FPL's) Request for Confidential Classification of Certain Information Provided in Connection with Audit No. 05-028-4-1. The original includes Exhibits A, B, C and D. The 7 copies do not include exhibits.

Exhibit A consists of copies of certain documents provided in connection with the above-referenced audit on which all information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit A is submitted for filing in a separate, sealed folder marked "EXHIBIT A – CONFIDENTIAL." Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C consists of FPL's justification for its Request for Confidential Classification. Exhibit D contains affidavits in support of FPL's Request for Confidential Classification. Also included in this filing is a computer diskette containing FPL's Request for Confidential Classification and Exhibit C in Word.

In accord with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information in Exhibit A pending disposition of FPL's Request for Confidential Classification. Please do not hesitate to contact me should you or your Staff have any questions regarding this filing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Natalie F. Smith', is written over a light gray rectangular background.

Natalie F. Smith

NFS:ec

Enclosures

cc: Gabriela Leon, Audit Manager, FPSC (without enclosures)

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power )  
Cost Recovery Clause and Generating )  
Performance Incentive Factor )  
\_\_\_\_\_ )

DOCKET NO. 050001-EI

FILED: May 18, 2005

**REQUEST FOR CONFIDENTIAL  
CLASSIFICATION OF CERTAIN INFORMATION PROVIDED  
IN CONNECTION WITH AUDIT NO. 05-028-4-1**

Pursuant to Section 366.093,<sup>1</sup> and Rule 25-22.006,<sup>2</sup> Florida Power & Light Company ("FPL") requests confidential classification of certain materials provided to the Florida Public Service Commission ("FPSC" or "Commission") staff ("Staff") in connection with Audit Control No. 05-028-4-1 (the "Audit") in Docket No. 050001-EI. In support of its Request, FPL states:

1. During the Audit, Staff requested access to various FPL reports and other documents. By letter dated April 27, 2005, Staff indicated its intent to retain certain workpapers for which confidential treatment previously had been requested (the "Workpapers"). Pursuant to Rule 25-22.006(3)(a), FPL was given 21 days from the date of that letter, or until May 18, 2005, to file a formal Request for Confidential Classification with respect to the Workpapers. By this pleading, FPL makes such request.

2. The following exhibits are included with and made a part of this request:

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<sup>1</sup> All references to "Section" or "§" are to the latest version of the Florida Statutes unless indicated otherwise.

<sup>2</sup> All references to "Rule" are to the latest version of the Florida Administrative Code unless indicated otherwise.

a. Composite Exhibit A consists of copies of the Workpapers, on 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 an edited version of Exhibit A on which all information 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 for which confidential treatment is sought, and, with regard to each document or portions thereof, references to the specific statutory basis or bases for the claim of confidentiality and to the affidavits in support of the requested classification.

d. Exhibit D is comprised of the affidavits of Robert A. Birch, Korel M. Dubin, Robert Onsgard and Gerard J. Yupp.

3. FPL seeks confidential protection for the information highlighted in Exhibit A. The highlighted information is proprietary confidential business information within the meaning of Section 366.093(3). The information is intended to be, and has been, treated by FPL as confidential.

4. Pursuant to Section 366.093, the information highlighted in Exhibit A is entitled to confidential treatment and is 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.

5. The statutory bases for FPL's assertion of confidentiality with regard to each document or portion thereof are set forth in Exhibit C under the column titled "FLORIDA STATUTE 366.093(3)." The letters in that column refer to the subsection(s) of Section 366.093(3) that provide justification for FPL's request. Further support for FPL's Request for Confidential Classification of the referenced material is provided through the affidavits of Robert A. Birch, Korel M. Dubin, Robert Onsgard and Gerard J. Yupp, included as Exhibit D to this request.

6. The information FPL asserts is proprietary and confidential business information, described in Exhibits C and D, includes vendor-specific information and detailed procurement information primarily related to FPL's overall procurement practices and strategies. It also includes certain hedging-related expenditures. Some of the confidential information is related to competitive interests, the disclosure of which may place FPL at a competitive disadvantage. Some of the information is also contractually sensitive. The disclosure of this sensitive contractual information could inhibit FPL's ability to contract with vendors on favorable terms in the future, and may impair the competitive interests of those vendors. This type of confidential information is protected against disclosure by Section 366.093(3)(d) and (e).

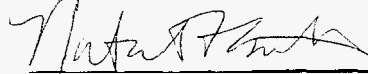
7. Other information asserted by FPL to be confidential includes customer-specific account information. It is FPL's corporate policy not to disclose customer-specific information. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing 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 absent the customer's consent.

8. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, is proprietary confidential business information, the information should not be declassified for a period of 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. See § 366.093(4).

**WHEREFORE**, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavits included with this request, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

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Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I, **THE UNDERSIGNED COUNSEL, HEREBY CERTIFY** that a copy of Florida Power & Light Company's Request for Confidential Classification of Certain Materials in Connection with Audit Control No. 05-028-4-1, Docket No. 050001-EI without exhibits has been served via first class mail, postage prepaid to the parties listed below, this 18<sup>th</sup> day of May 2005

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