



ORIGINAL

RECEIVED - FPSC
05 JUL 15 PM 3:56
COMMISSION
CLERK

Writer's Direct Dial:
(561) 304-5134
(561) 691-7305 (Fax)
Patrick.Bryan@fpl.com (Email)

July 15, 2005

VIA US MAIL

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

050045-EZ

**Re: Florida Power & Light Company's Request for Confidential
Classification of Material Provided pursuant to Rate Case Supplemental Audit**

Dear Ms. Bayo:

I enclose for filing an original and two (2) copies of Florida Power & Light Company's ("FPL") Request for Confidential Classification of Materials Provided in the Rate Case Supplemental Audit. The original includes Exhibits A, B, C and D. The two copies include only Exhibits B, C, and D.

Exhibit A contains the confidential information that is the subject of FPL's Request for Confidential Classification. Exhibit A is submitted for filing in a separate, sealed folder or carton marked "EXHIBIT A - CONFIDENTIAL". Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been blocked out; Exhibit C contains FPL's justification for its request for confidential classification. Exhibit D contains affidavits in support of FPL's Request for Confidential Classification. Also included is a computer diskette containing the electronic version of FPL's Request for Confidential Classification (in Microsoft Word 2000 format), and Exhibit C (in Microsoft Excel format).

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 Request for Confidential Classification.

Finally, enclosed is an additional copy of FPL's Request for Confidential Classification. Please file stamp this additional copy and return to FPL at your convenience in the enclosed envelope.

- CMP
- COM
- CTR
- EGR
- GCL
- OPC
- MMS
- RCA
- SCR
- SEC

an FPL Group company

RECEIVED & FILED

Mes

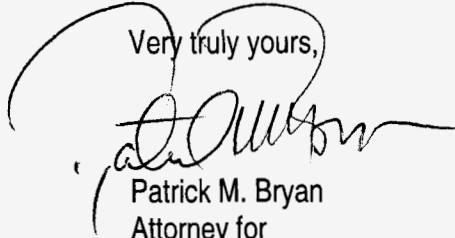
06760 JUL 15 '05

FPSC-COMMISSION CLERK

Ms. Blanca S. Bayo
July 15, 2005
Page 2 of 2

Please do not hesitate to contact me should you have any questions regarding this filing.
Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Patrick M. Bryan". The signature is fluid and cursive, with a large loop at the beginning and a long horizontal stroke at the end.

Patrick M. Bryan
Attorney for
Florida Power & Light Company

PMB/bjw
Enclosures

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by
Florida Power & Light Company.
_____)

Docket No. 050045-EI

In re: 2005 comprehensive depreciation
study by Florida Power & Light Company.
_____)

Docket No. 050188-EI

Filed: July 15, 2005

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
CERTAIN MATERIALS PROVIDED PURSUANT TO RATE CASE SUPPLEMENTAL AUDIT**

NOW, BEFORE THIS COMMISSION, through the undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093 of the Florida Statutes, hereby requests confidential classification of certain work papers provided to the Florida Public Service Commission ("FPSC" or "Commission") staff ("Staff") in connection with the rate case supplemental audit (hereinafter the "Supplemental Audit"). In support of its request, FPL states as follows:

1. During the Supplemental Audit, Staff requested access to various FPL reports and other documents. By letter dated June 24, 2005, Staff indicated its intent to retain certain audit work papers. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL was given 21 days from the date of the letter, or until July 15, 2005, to file a formal request for confidential classification with respect to such work papers.

2. The following exhibits are included herewith and made a part hereof.

(a) Exhibit A consists of all documents for which FPL seeks confidential treatment, whether in whole or in part. All information in Exhibit A that FPL

asserts is entitled to confidential treatment has been highlighted. Exhibit A is submitted separately in a sealed folder marked “**CONFIDENTIAL**”.

(b) Exhibit B consists of edited versions of all documents for which FPL seeks confidential treatment. All information for which FPL requests confidential treatment has been redacted in Exhibit B.

(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. Exhibit C is sometimes referred to hereinafter as the “Justification Table”.

(d) Composite Exhibit D includes the affidavits of Kenneth Getchell, Gary A. McBean, Gerard J. Yupp, and Nancy A. Swalwell in support of this request.

3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. To the best of FPL’s knowledge, the highlighted information has not been publicly disclosed. Pursuant to Section 366.093, Florida Statutes, such information 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.

4. As the affidavits comprising Exhibit D indicate, certain highlighted information consists of information concerning bids or other contractual data, including contractual vendor data, such as pricing and other terms, the disclosure of which would impair the efforts of FPL to contract

for goods and services on favorable terms in the future to the detriment of FPL and its customers. This information is protected by Section 366.093(3)(d), Florida Statutes. In addition, certain information is competitively sensitive insofar as FPL's contractors and vendors are concerned insofar as disclosure of such information could afford their competitors an unfair advantage in competing for both FPL and non-FPL contracts. This competitively sensitive information is proprietary confidential business information pursuant to Section 366.093(3)(e), Florida Statutes. In addition, certain of the highlighted information includes information concerning employee personnel information unrelated to compensation, duties, qualifications, or responsibilities. This information is protected by Section 366.093(3)(f).

5. 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 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.

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavits included herewith, Florida Power & Light Company respectfully requests that its request for confidential classification be granted.

Respectfully submitted,



Patrick M. Bryan
Attorney for Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5134 (Telephone)
(561) 691-7305 (Facsimile)
FL Bar No. 0457523

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Request for Confidential Classification of Certain Materials Provided Pursuant to Rate Case Supplemental Audit, without Exhibits A, B, and D, was served by U.S. Mail this 15th day of July, 2005, to the following:

Wm. Cochran Keating, IV, Esquire
Katherine E. Fleming, Esquire
Jeremy Susac, Esquire
Florida Public Service Commission
Division of Legal Services
Gerald L. Gunter Building
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Harold A. McLean, Esquire
Charles J. Beck, Esquire
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400

John W. McWhirter, Esquire
c/o McWhirter Reeves, P.A.
400 North Tampa Street, Suite 2450
Tampa, Florida 33602
Attorneys for the Florida Industrial Power Users
Group

Timothy J. Perry, Esquire
McWhirter Reeves, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301
Attorneys for the Florida Industrial Power Users
Group

Miami-Dade County Public Schools*
c/o Jaime Torrens
Dist. Inspections, Operations and
Emergency Mgt.
1450 N.E. 2nd Avenue
Miami, Florida 33132

D. Bruce May, Jr., Esquire*
Holland & Knight, LLP
Post Office Drawer 810
Tallahassee, Florida 32302-0810
Attorneys for Miami-Dade County Public Schools

David Brown, Esquire
McKenna Long & Aldridge LLP
One Peachtree Center
303 Peachtree Street, N.E., Suite 5300
Atlanta, Georgia 30308
Attorneys for The Commercial Group


Michael B. Twomey, Esquire
P.O. Box 5256
Tallahassee, Florida 32314-5256
Attorney for AARP

Robert Scheffel Wright, Esquire
John T. LaVia, III, Esquire
Landers & Parsons, P.A.
310 West College Avenue
Tallahassee, Florida 32301
Attorneys for Florida Retail Federation

Major Craig Paulson, Esquire
AFCESA/ULT
139 Barnes Drive
Tyndall Air Force Base, Florida 32403
Attorney for Federal Executive Agencies

Mark F. Sundback, Esquire
Kenneth L. Wiseman, Esquire
Gloria J. Halstead, Esquire
Jennifer L. Spina, Esquire
Andrews & Kurth LLP
1701 Pennsylvania Avenue, NW
Suite 300
Washington, D.C. 20006
Attorneys for South Florida Hospital
and Healthcare Association

Mr. Stephen J. Baron
Mr. Lane Kollen
J. Kennedy Associates, Inc.
570 Colonial Park Drive
Suite 305
Roswell, GA 30075
Consultants for South Florida Hospital
and Healthcare Association

By: 
Patrick M. Bryan, Esquire
FL Bar No. 0457523

* Indicates interested party