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COMMISSION  
CLERK

July 28, 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  
In re: Petition for rate increase by Florida Power & Light Company  
In re: 2005 Comprehensive Depreciation Studies by Florida Power & Light Company -  
Docket No. 050045-EI / Docket No. 050188-EI

Dear Ms. Bayó:

Enclosed for filing are the original and two (2) copies of Florida Power & Light Company's (FPL's) Request for Confidential Classification. FPL seeks confidential treatment for certain confidential information included in Exhibit No. WLY-10 to William L. Yeager's Rebuttal Testimony filed in connection with FPL's Petition for Rate Increase. The original includes Exhibits A, B, C and D. The two copies only include Exhibit C. William L. Yeager's Rebuttal Testimony is being filed concurrently with the filing of this Request. A redacted version of Exhibit WLY-10 is attached to his Rebuttal Testimony.

Exhibit A consists of copies 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 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 an affidavit 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 format.

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,

Natalie F. Smith

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR 1
- GCL 1
- OPC \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SGA \_\_\_\_\_
- SEC 1
- OTH 1 conf rec'd

NFS:ec  
Enclosures  
cc: Service List

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DOCUMENT NUMBER-DAT

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FPSC-COMMISSION CLERK

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for rate increase by )  
Florida Power & Light Company. )  
\_\_\_\_\_)  
In re: 2005 comprehensive depreciation )  
study by Florida Power & Light Company. )  
\_\_\_\_\_)

Docket No. 050045-EI  
  
Docket No. 050188-EI  
  
Filed: July 28, 2005

**FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

**NOW, BEFORE THIS COMMISSION, through 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 confidential information included in Exhibit No. WLY-10 to William L. Yeager's Rebuttal Testimony filed in connection with FPL's Petition for Rate Increase. In support of its request, FPL states as follows:**

- 1. The confidential information is contained in portions of Exhibit No. WLY-10 to William L. Yeager's Rebuttal Testimony.
- 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. Exhibit D includes the affidavit of William L. Yeager in support of this request.

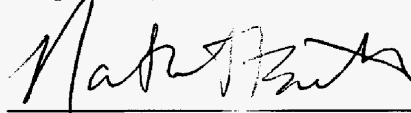
3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of section 366.093(3), Florida Statutes. To the best of FPL's knowledge, the highlighted information has not been publicly disclosed. Pursuant to section 366.093, Florida Statutes, 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 affidavit of William L. Yeager indicates, the confidential information consists of vendor-specific pricing data the disclosure of which would harm the competitive interests of the vendor to the detriment of FPL and its customers. The confidential information also consists of contractual provisions, the disclosure of which impair FPL's ability to contract for goods and services on favorable terms. This information is protected by Section 366.093(3)(d) and (e), Florida Statutes.

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 material 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 affidavit included herewith, Florida Power & Light Company respectfully requests that its request for confidential classification be granted.

Respectfully submitted,



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Company  
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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing, without exhibits, has been furnished by Hand Delivery or by U.S. Mail this 28<sup>th</sup> 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  
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Tallahassee, FL 32399-0850

Harold A. McLean, Esquire  
Charles J. Beck, Esquire  
Office of Public Counsel  
c/o The Florida Legislature  
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AFCESA/ULT  
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Attorney for Federal Executive Agencies

**Mark F. Sundback, Esq.**  
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**Gloria J. Halstead, Esq.**  
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**Attorneys for South Florida**  
**Hospital and Healthcare**  
**Association**

**Mr. Stephen J. Baron**  
**Mr. Lane Kollen**  
**J. Kennedy Associates, Inc.**  
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**Roswell, GA 30075**  
**Consultants for South Florida Hospital and**  
**Healthcare Association**

By:   
\_\_\_\_\_  
**R. Wade Litchfield**  
**Natalie F. Smith**  
**Attorneys for Florida Power & Light**  
**Company**  
**700 Universe Boulevard**  
**Juno Beach, Florida 33408-0420**

**"" Indicates interested party**

# **EXHIBIT "C"**

## **JUSTIFICATION TABLE**

**EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Exhibit  
**Exhibit:** Exhibit No. WLY-10 to William L. Yeager's Rebuttal Testimony  
**Docket Nos:** 050045-EI and 050188-EI

<b>Page Nos.</b>	<b>Description</b>	<b>No. of Pages</b>	<b>Conf Y/N</b>	<b>Line No./Col No.</b>	<b>Florida Statute 366.093(3) Subsection</b>	<b>Affiant</b>
WLY-10	Contract Change Order	2	Y	p.1, Col A, lines 17 – 34, 36; Col B, lines 37,38 p.2, Col A, B, lines 14, 16, 18	(e)	William L. Yeager