



David M. Lee  
 Attorney  
 Florida Power & Light Company  
 700 Universe Boulevard  
 Juno Beach, FL 33408-0420  
 (561) 691-7263  
 (561) 691-7103 (Facsimile)

ORIGINAL

August 10, 2005

RECEIVED FPSC  
 AUG 11 AM 10:53  
 COMMISSION  
 CLERK

**VIA UPS EXPRESS 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 documents responsive to discovery requests of the Staff ("Staff") of the Florida Public Service Commission in connection with FPL's Petition for rate increase, i.e., Staff's 5<sup>th</sup> Request for Production of Documents to Florida Power & Light Company (No. 55). The original includes Exhibits A, B, C and D. The two copies only include Exhibit B.

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,

David M. Lee

DML:alc  
 Enclosures

cc: Service List

DOCUMENT NUMBER-DATE

07805 AUG 11 05

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: August 10, 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, Florida Statutes, hereby requests confidential classification of certain documents responsive to discovery requests of the Staff ("Staff") of the Florida Public Service Commission served on FPL in these consolidated dockets. In support of its request, FPL states as follows:

1. The confidential information is contained in documents responsive to Staff's Fifth Request for Production of Documents, No. 55.
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 is the affidavit of Howard Hiller of Citigroup 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 indicates, the confidential information consists of proprietary, confidential business information of Citigroup. If publicly disclosed, this information would harm the competitive interests of Citigroup and/or FPL. This information is protected by Section 366.093(3)(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 materials should not be declassified for a

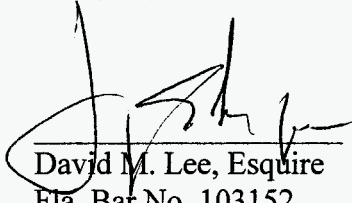
period of at least eighteen (18) months and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business.

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

Respectfully submitted this 10<sup>th</sup> day of August, 2005.

R. Wade Litchfield, Esquire  
Natalie F. Smith, Esquire  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 691-7207  
Facsimile: (561) 691-7135

By:



David M. Lee, Esquire  
Fla. Bar No. 103152

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing, without attachments, has been furnished by United States Mail this 10<sup>th</sup> day of August, 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, Esq.  
John T. LaVia, III, Esq.  
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  
Kenneth L. Wiseman  
Gloria J. Halstead  
Jennifer L. Spina  
Andrews & Kurth LLP  
1701 Pennsylvania Avenue,  
NW., Suite 300  
Washington, D.C. 20006  
Attorneys for South Florida  
Hospital and Healthcare  
Association

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

Christopher M. Kise \*\*  
Solicitor General  
Jack Shreve  
Senior General Counsel  
Office of the Attorney General  
The Capitol-PL01  
Tallahassee, Florida 32399-1050  
Attorneys for Charles J. Crist,  
Jr., Attorney General

By:



David M. Lee, Esquire  
Fla. Bar No. 0103152

\* Indicates interested party

\*\* Indicates not an official party of record as of the date of this filing

# **EXHIBIT A**

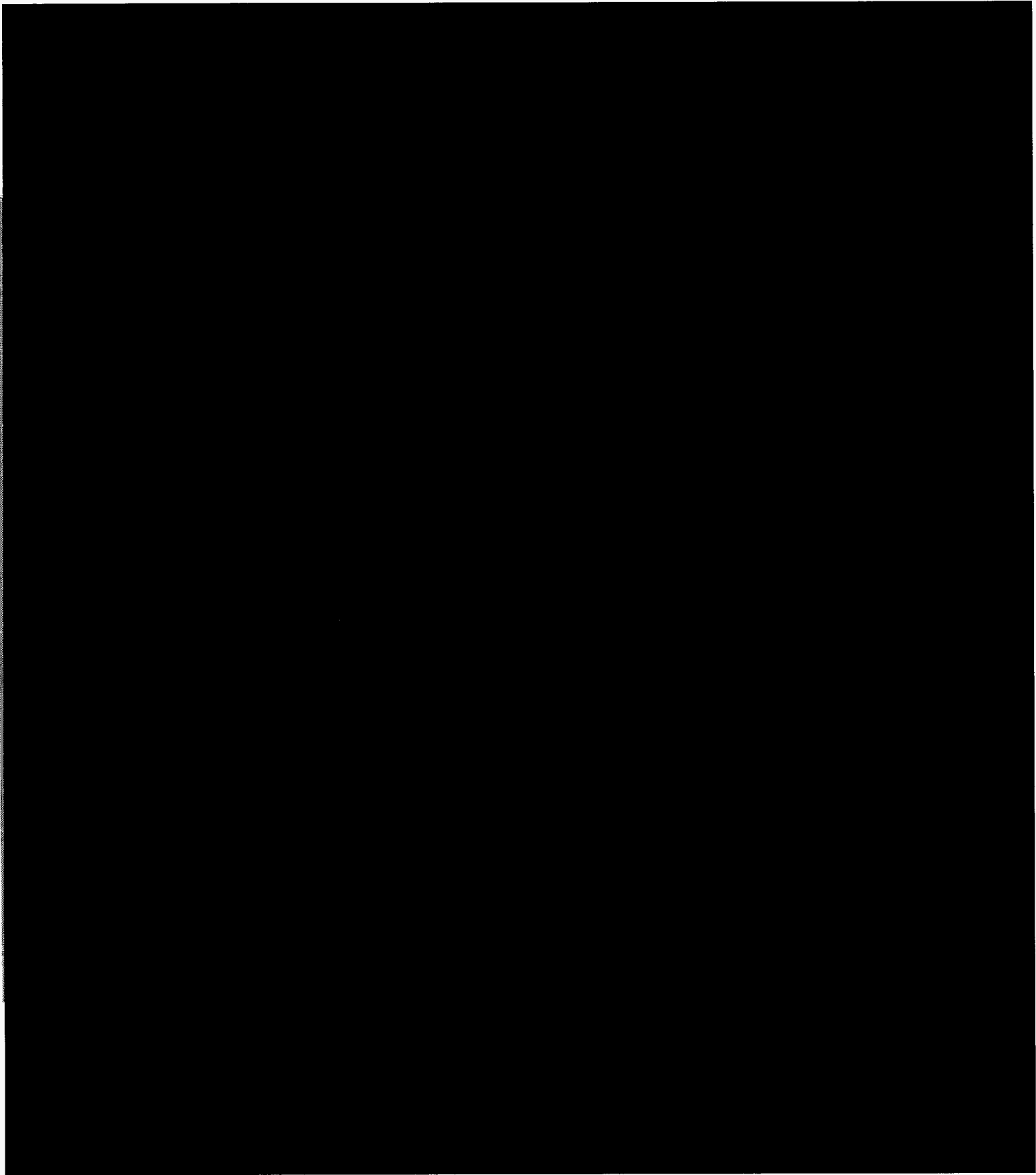
**CONFIDENTIAL DOCUMENTS**

**(SUBMITTED SEPARATELY)**

# **EXHIBIT B**

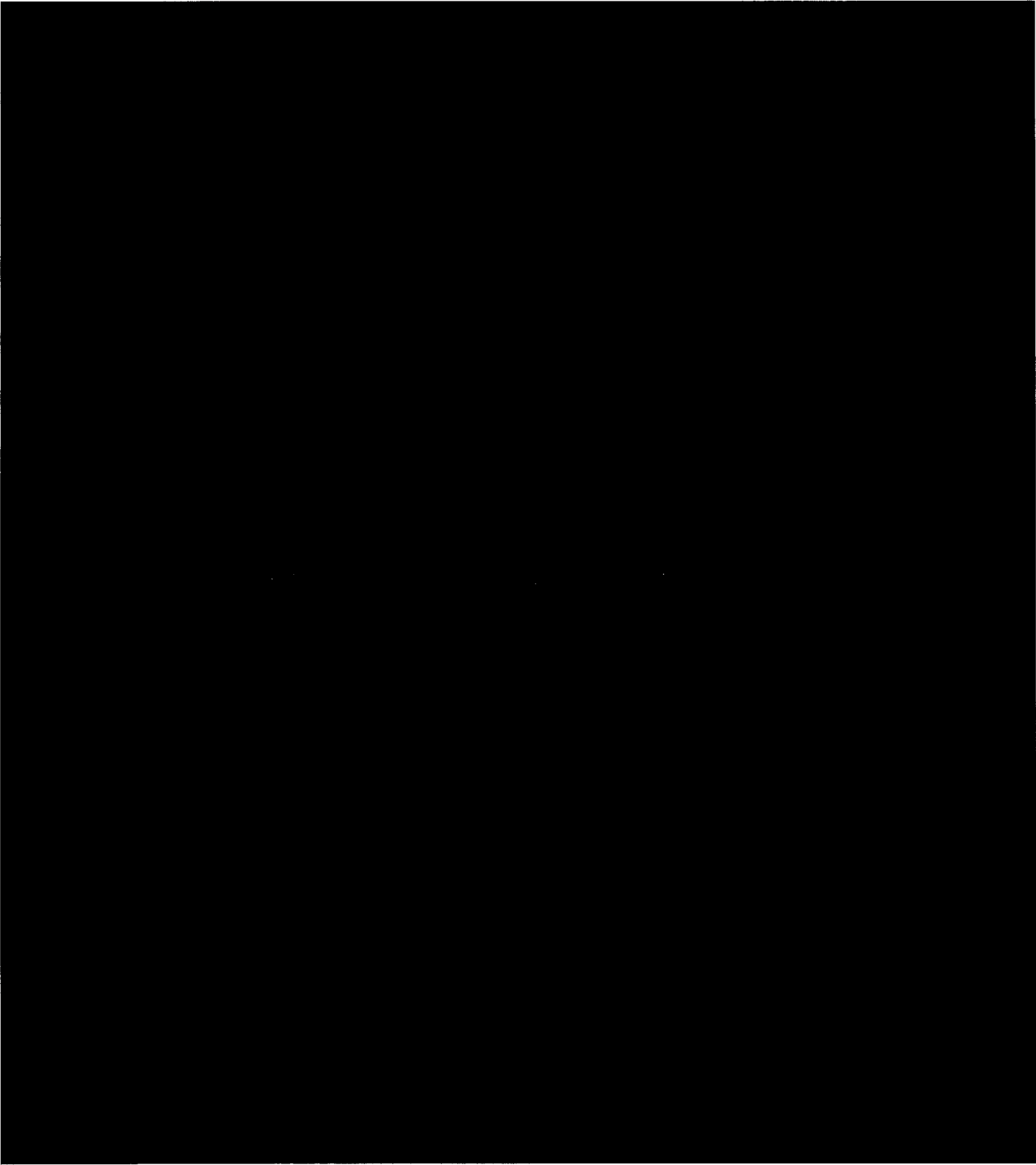
# **REDACTED DOCUMENTS**





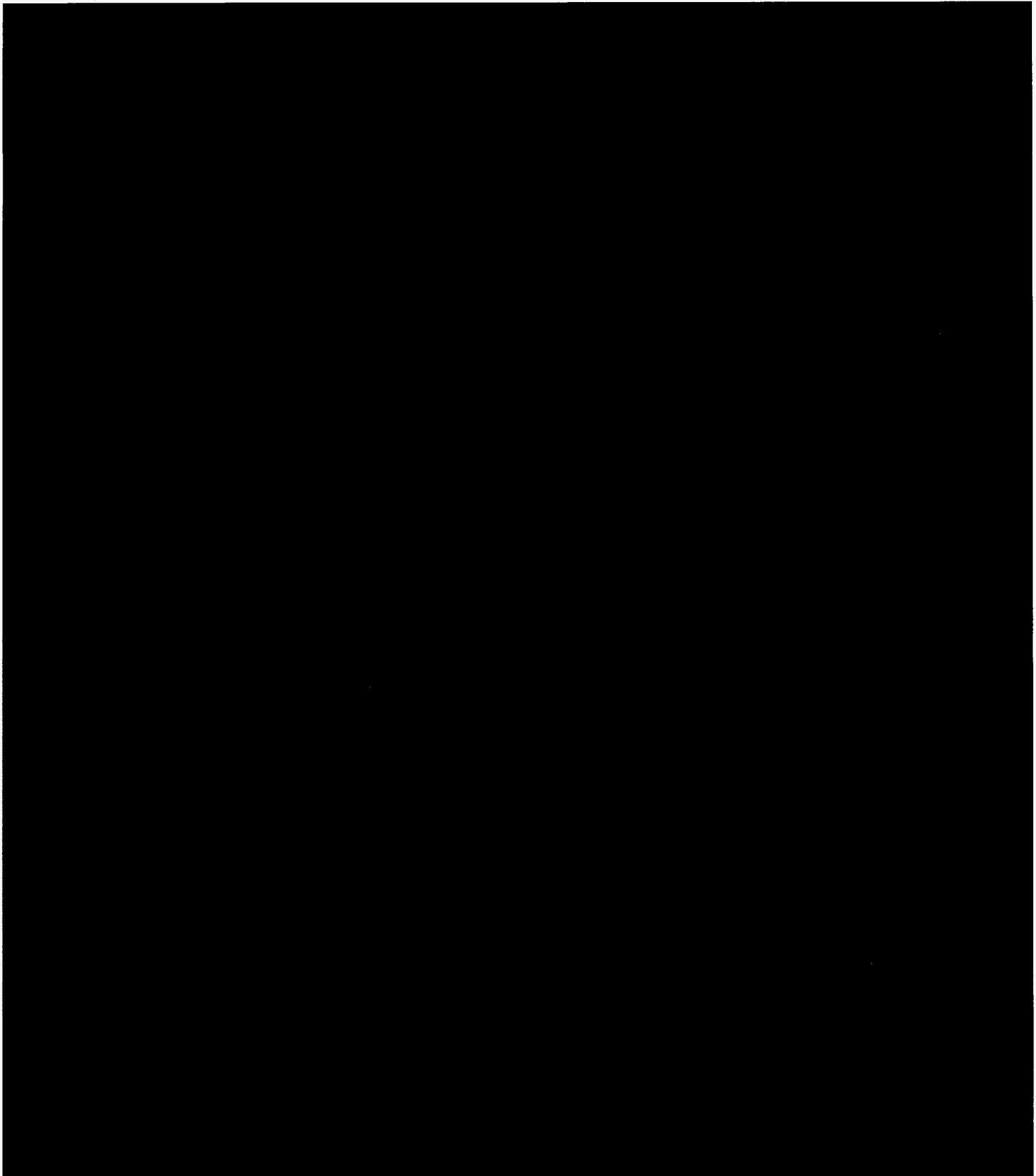
**CONFIDENTIAL**

FPL286252



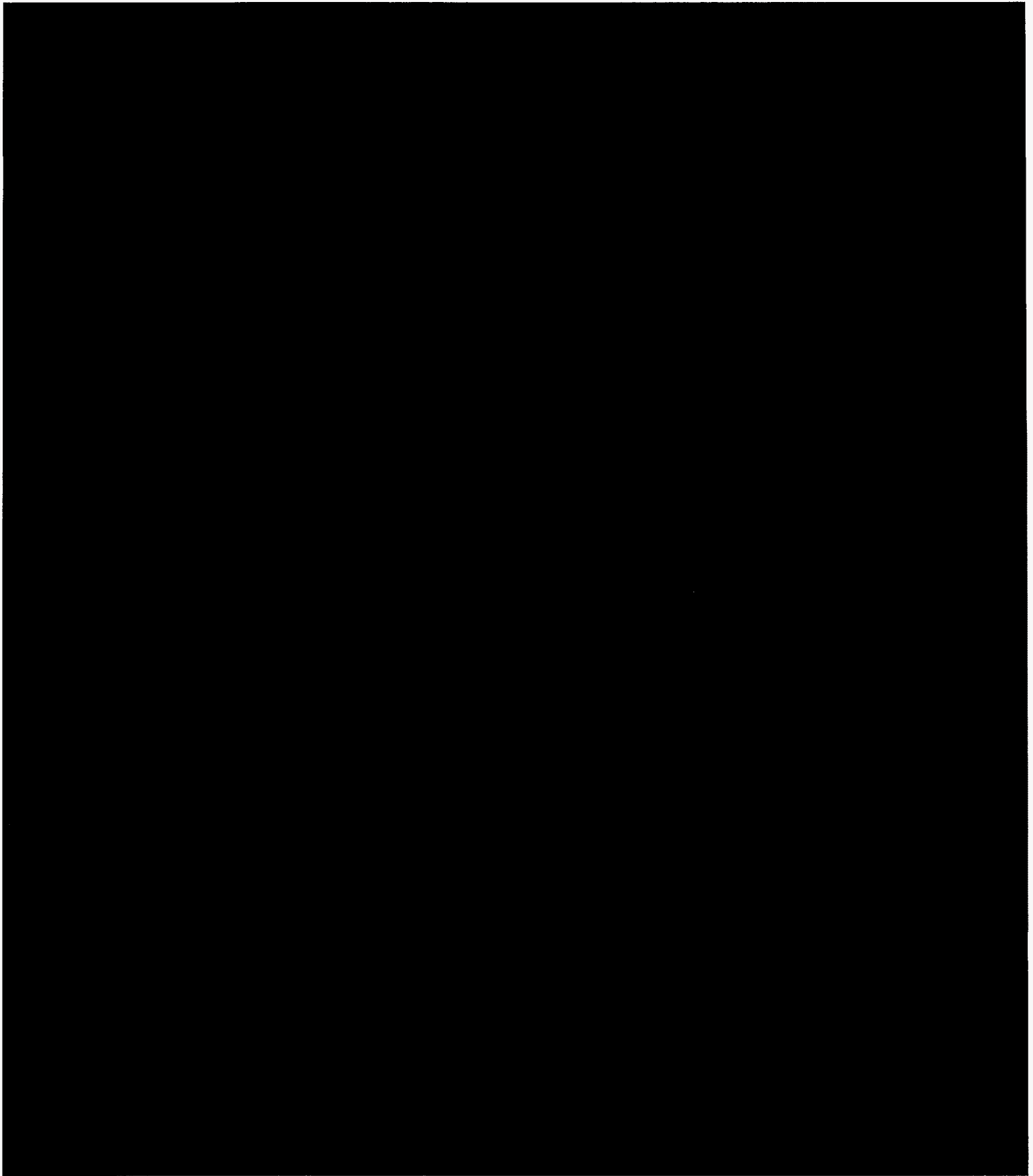
**CONFIDENTIAL**

FPL286253



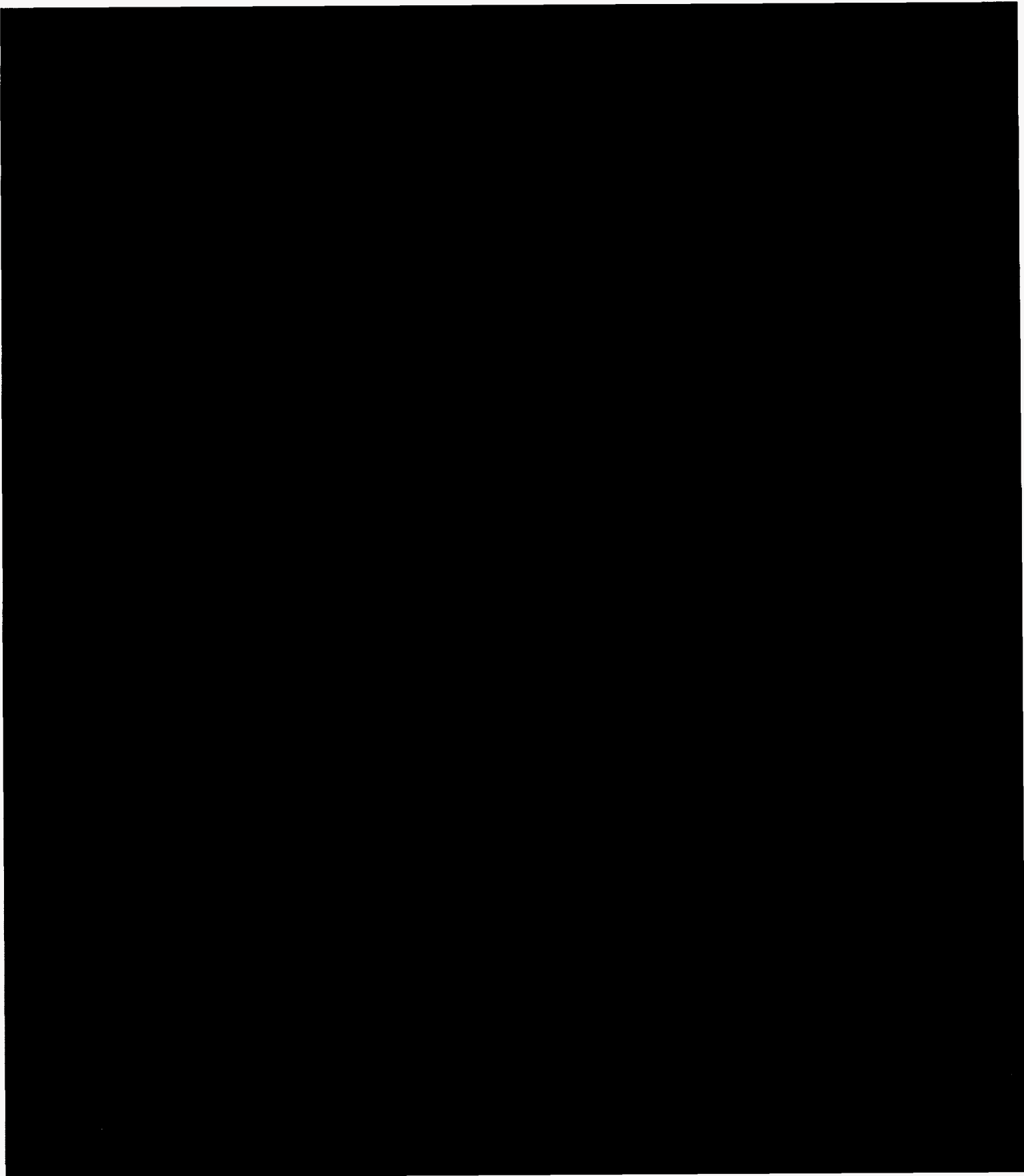
**CONFIDENTIAL**

FPL286254



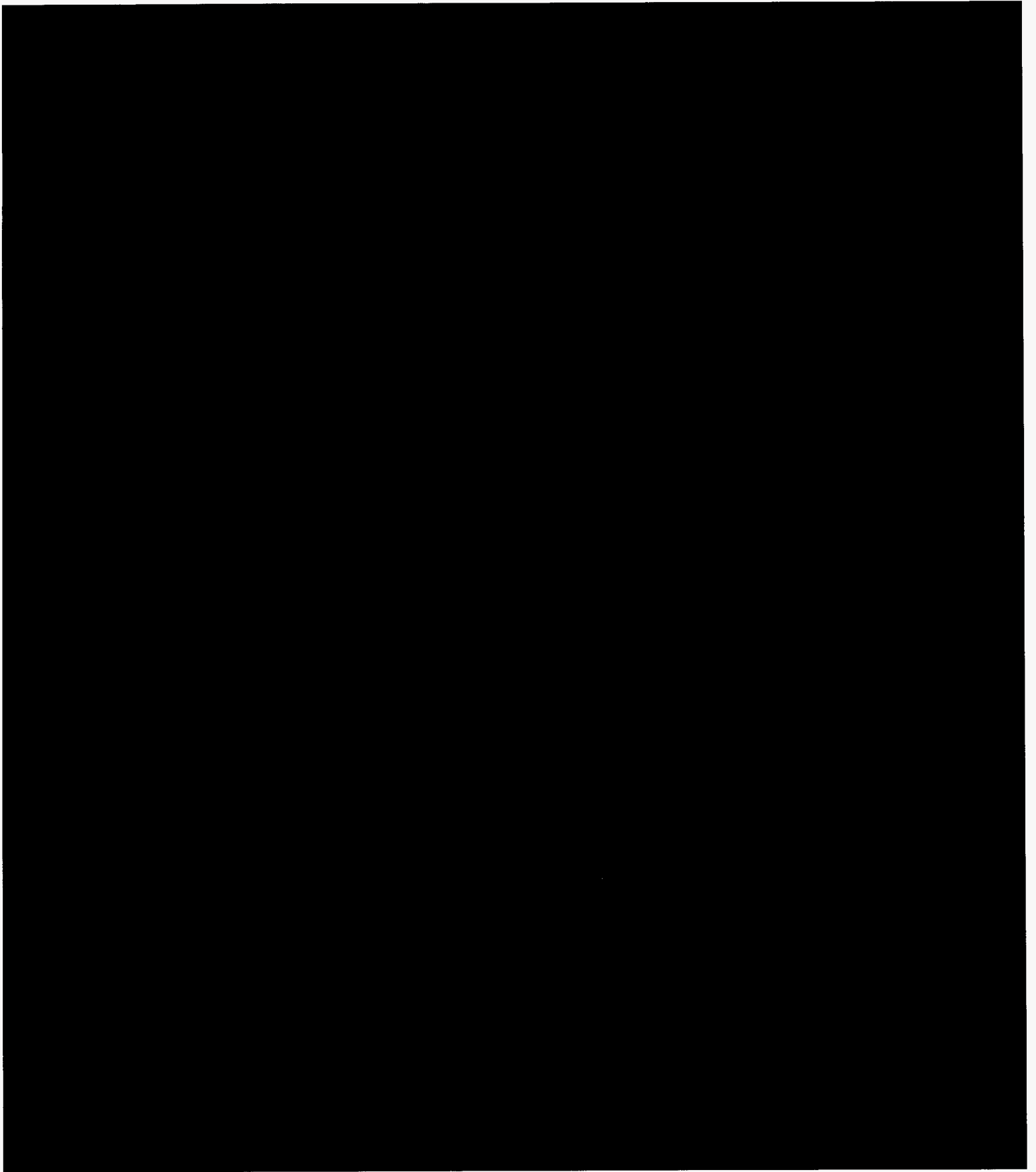
**CONFIDENTIAL**

FPL286255



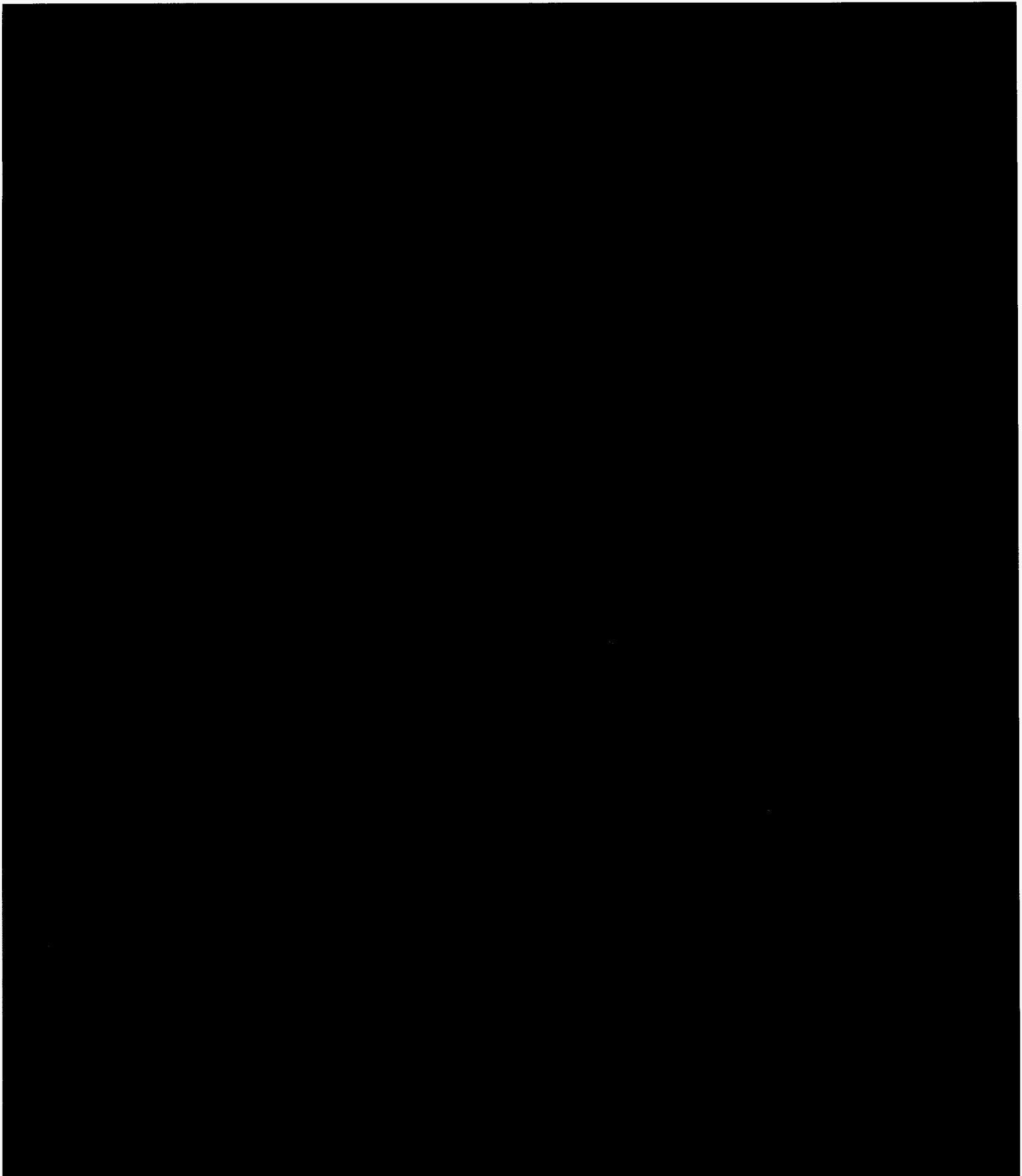
**CONFIDENTIAL**

FPL286256



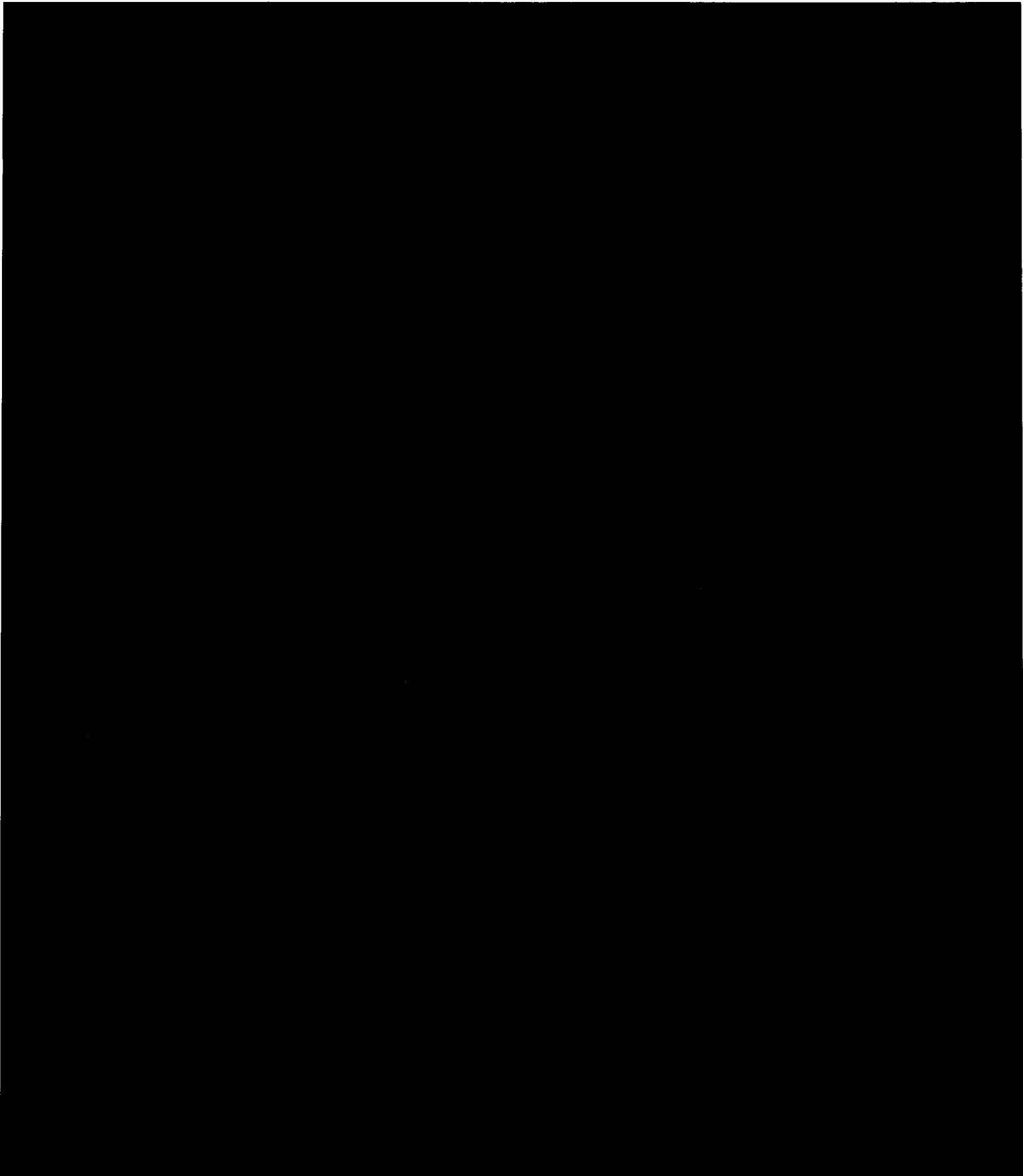
**CONFIDENTIAL**

FPL286257



**CONFIDENTIAL**

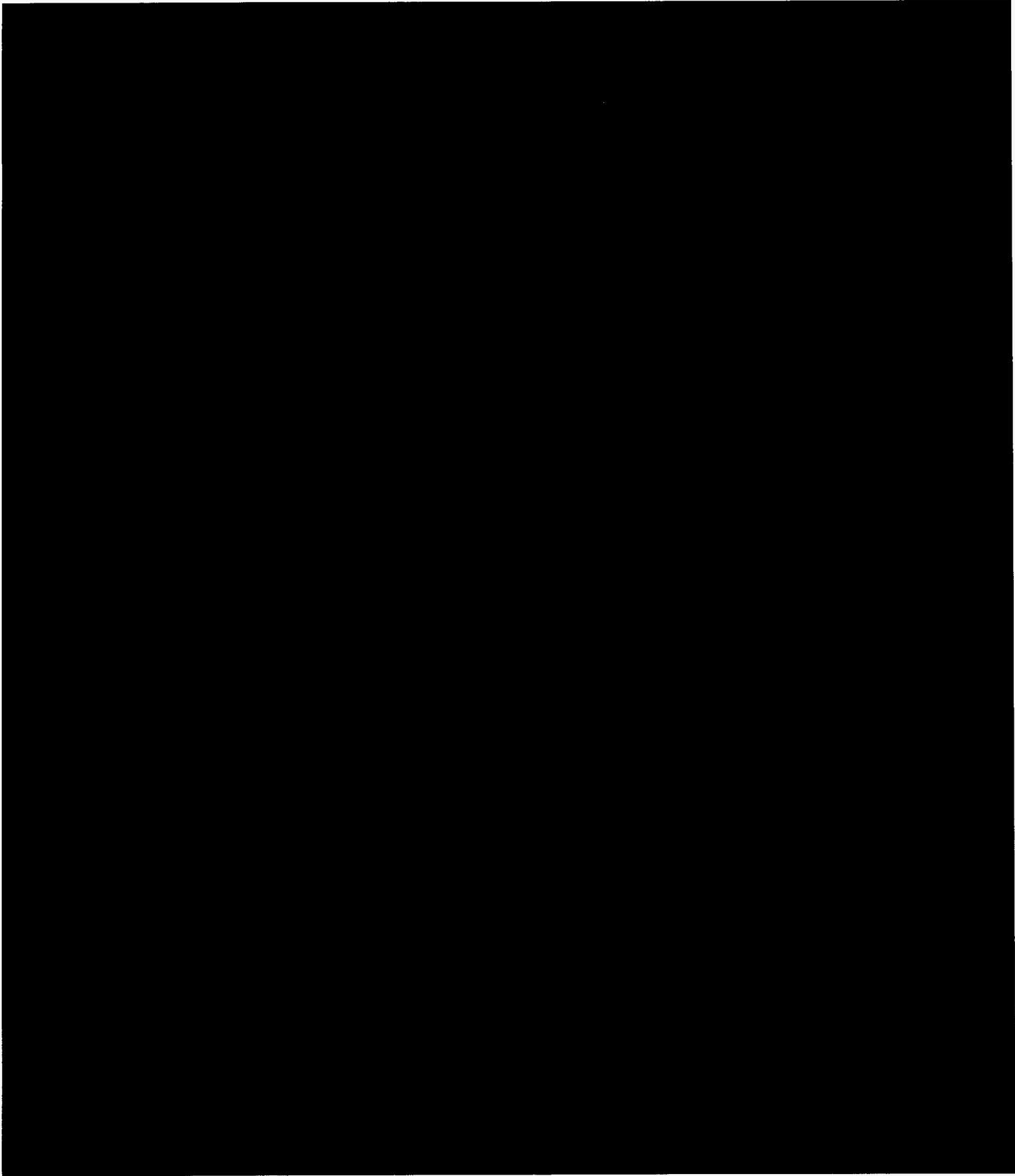
FPL286258



**CONFIDENTIAL**

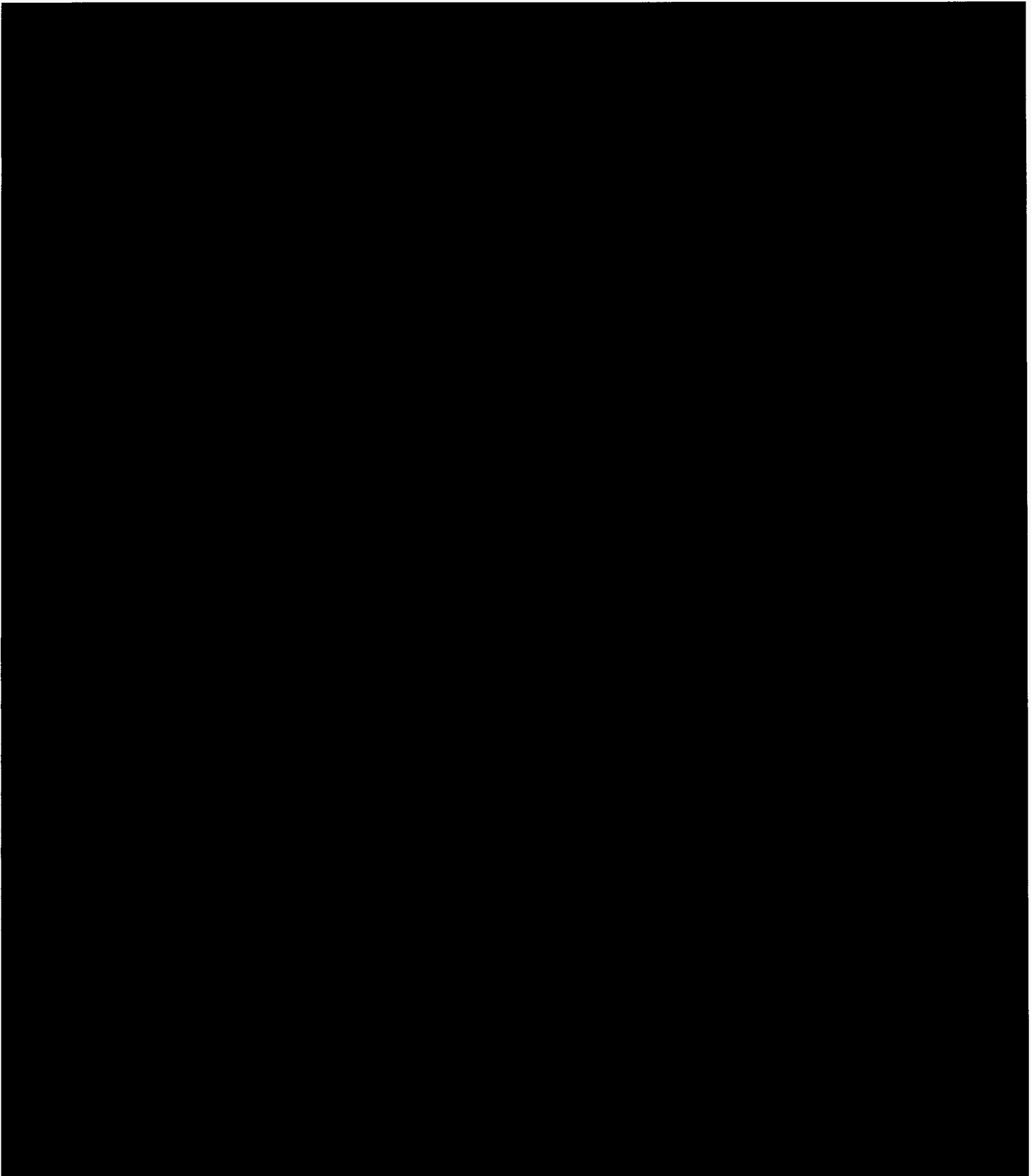
FPL286259





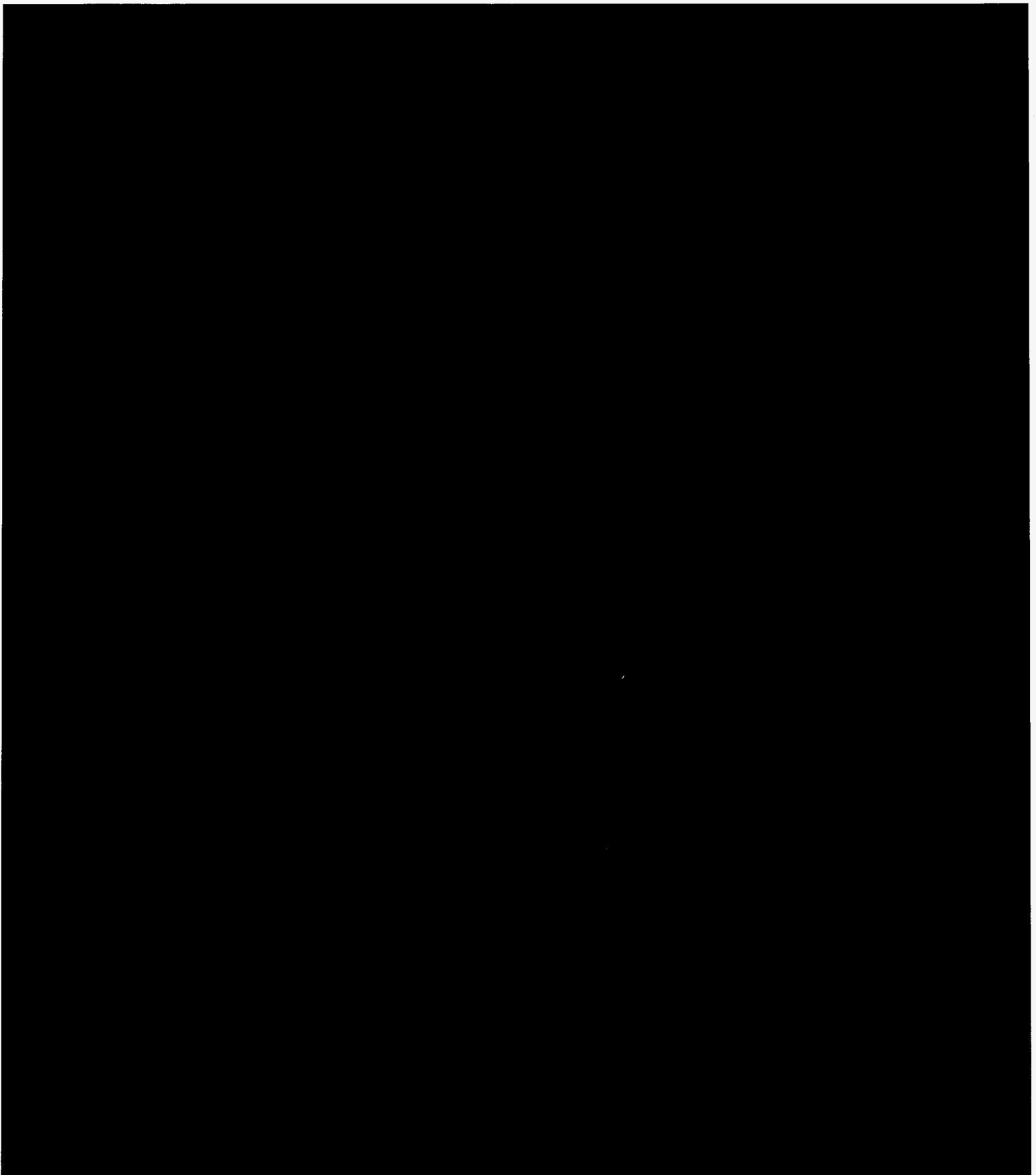
**CONFIDENTIAL**

FPL286260



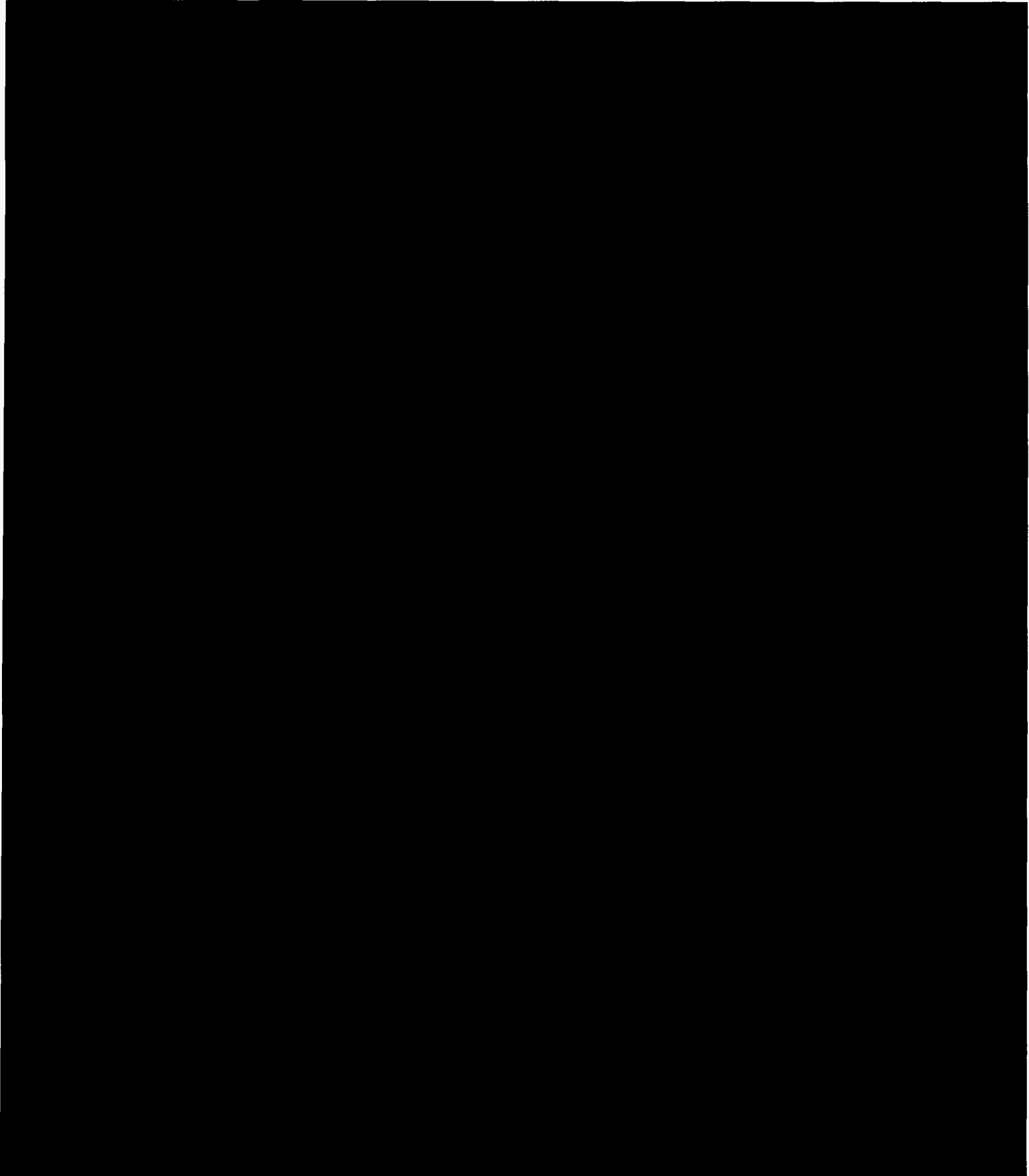
**CONFIDENTIAL**

FPL286261



**CONFIDENTIAL**

FPL286262

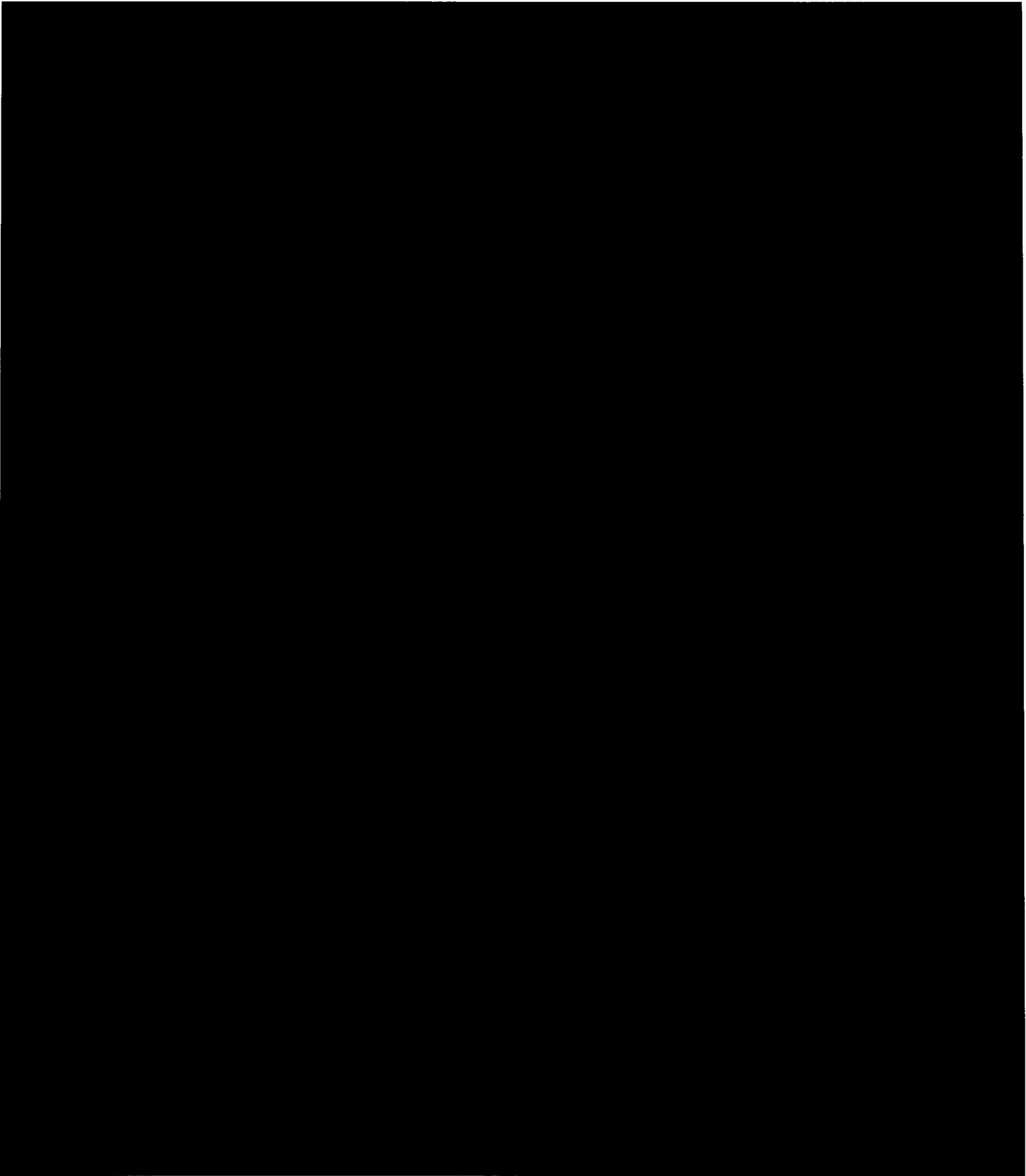


**CONFIDENTIAL**

FPL286263

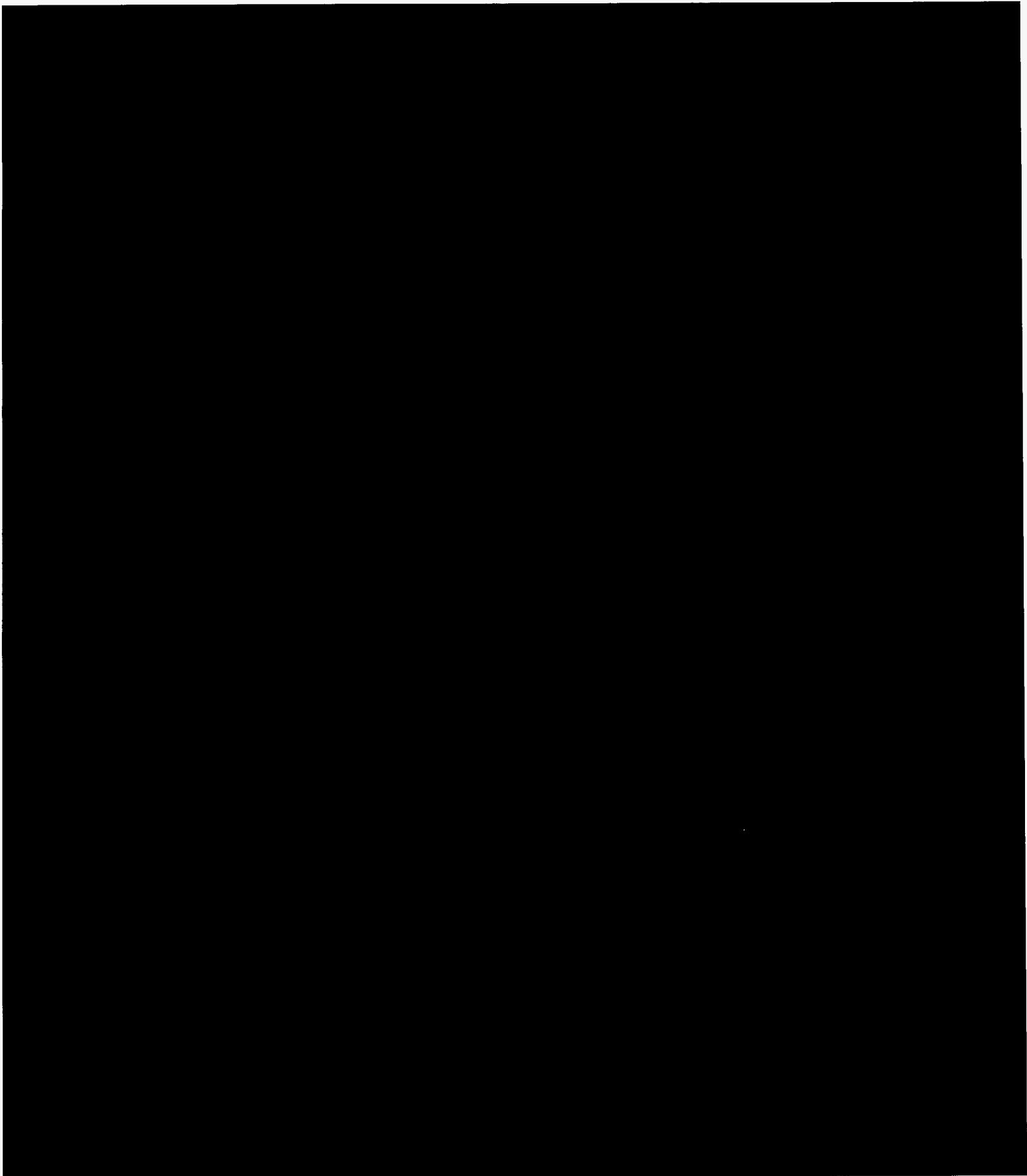
**CONFIDENTIAL**

FPL286264



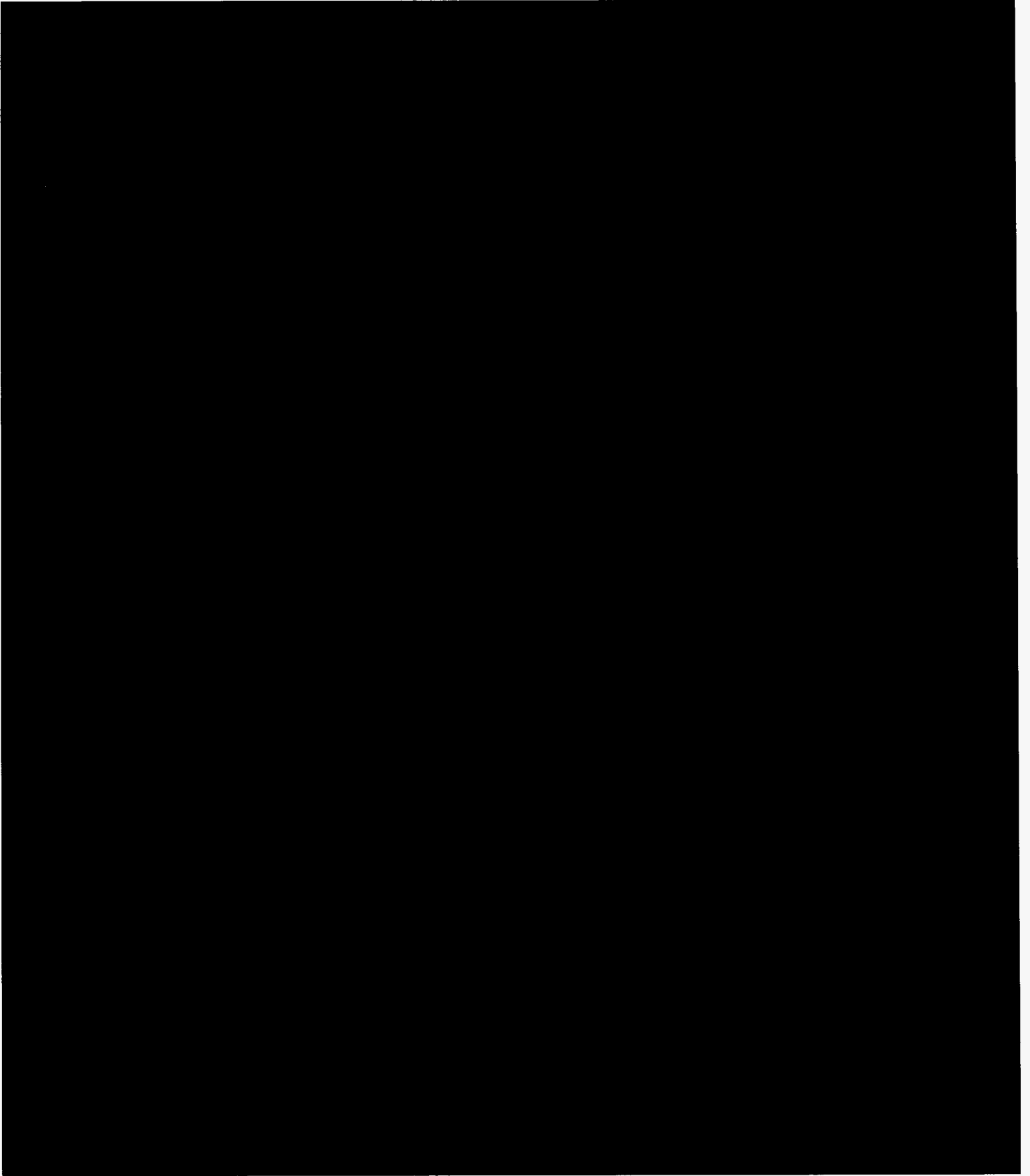
**CONFIDENTIAL**

FPL286265



**CONFIDENTIAL**

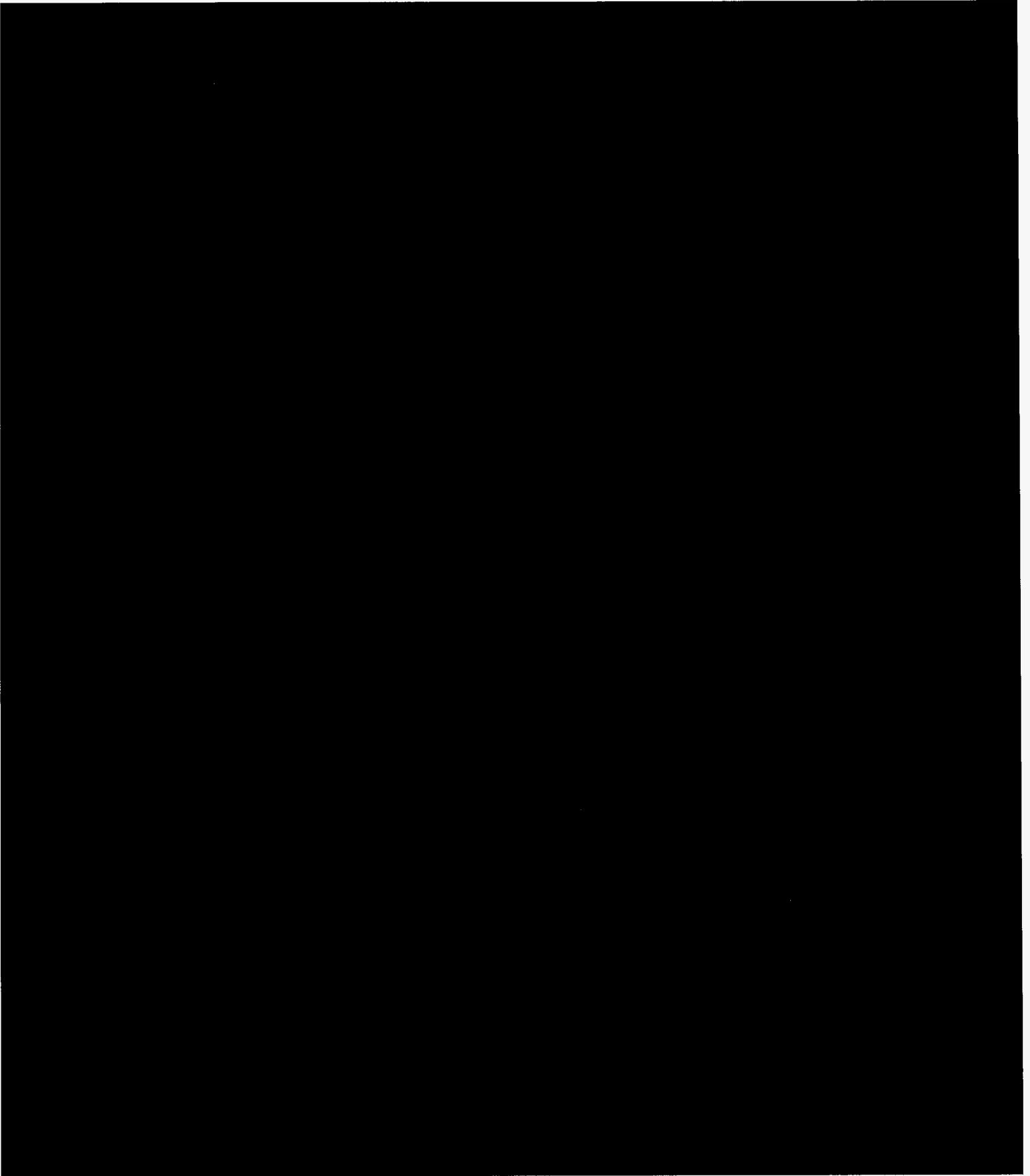
FPL286266



**CONFIDENTIAL**

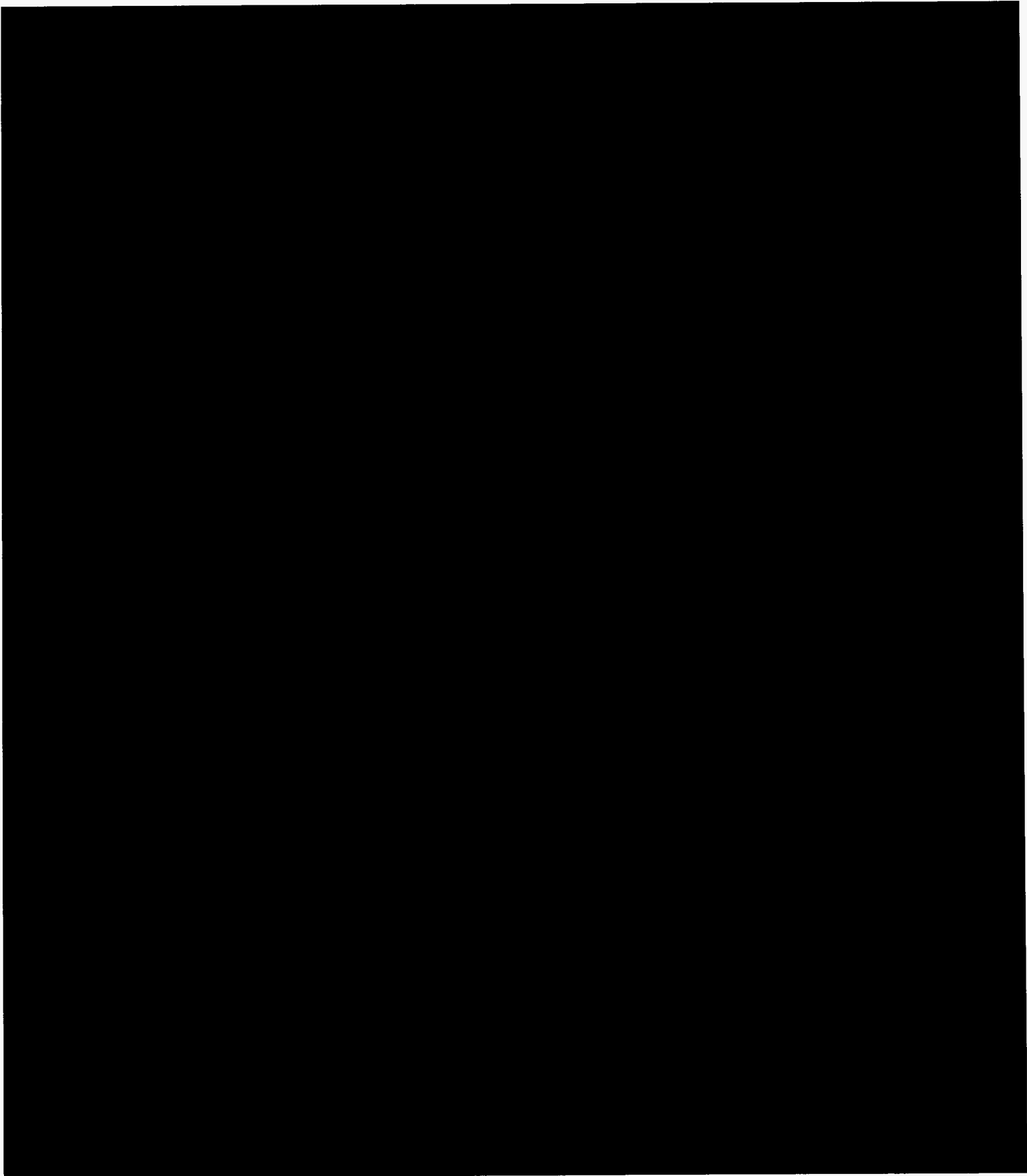
FPL286267





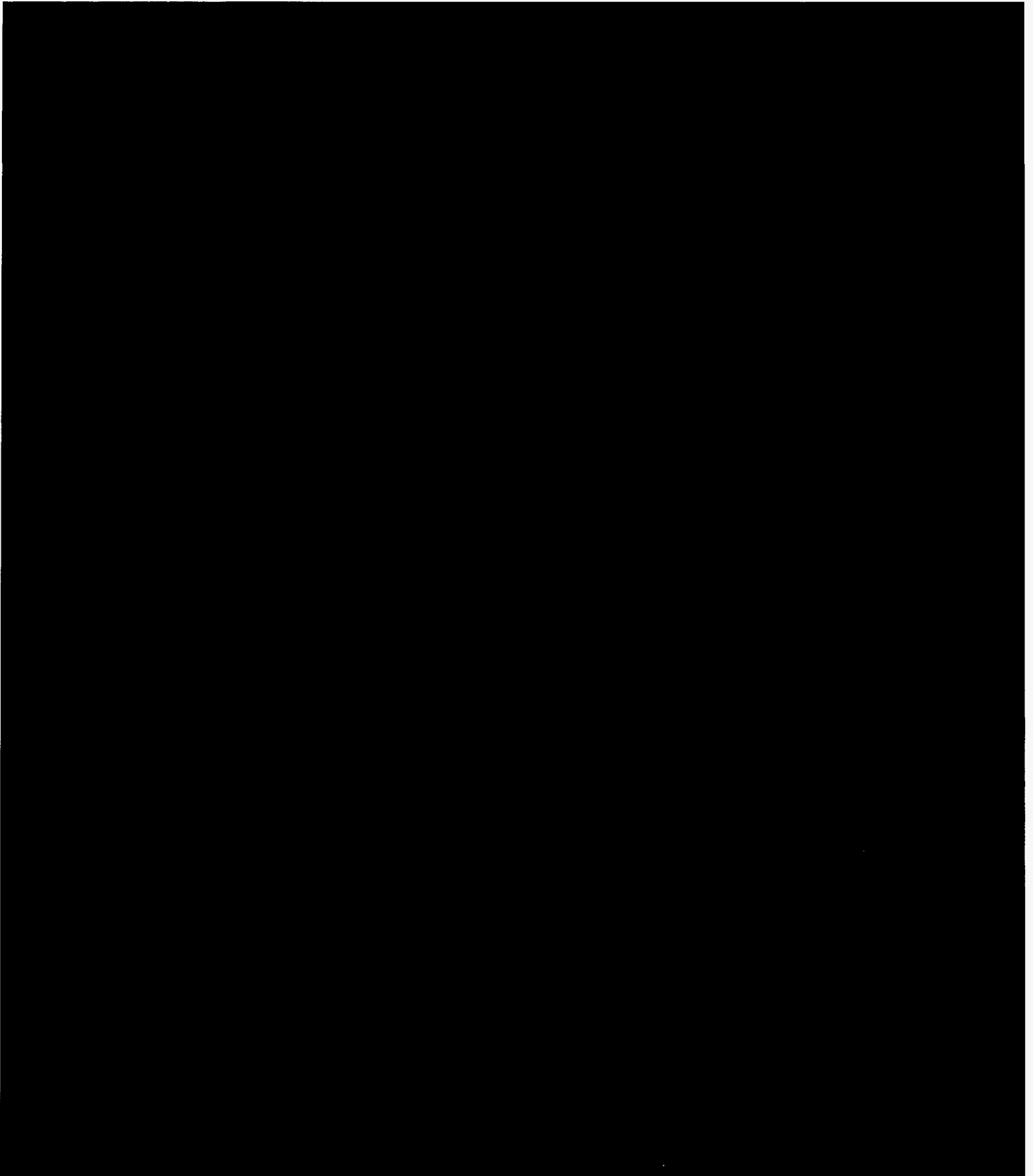
**CONFIDENTIAL**

FPL286268



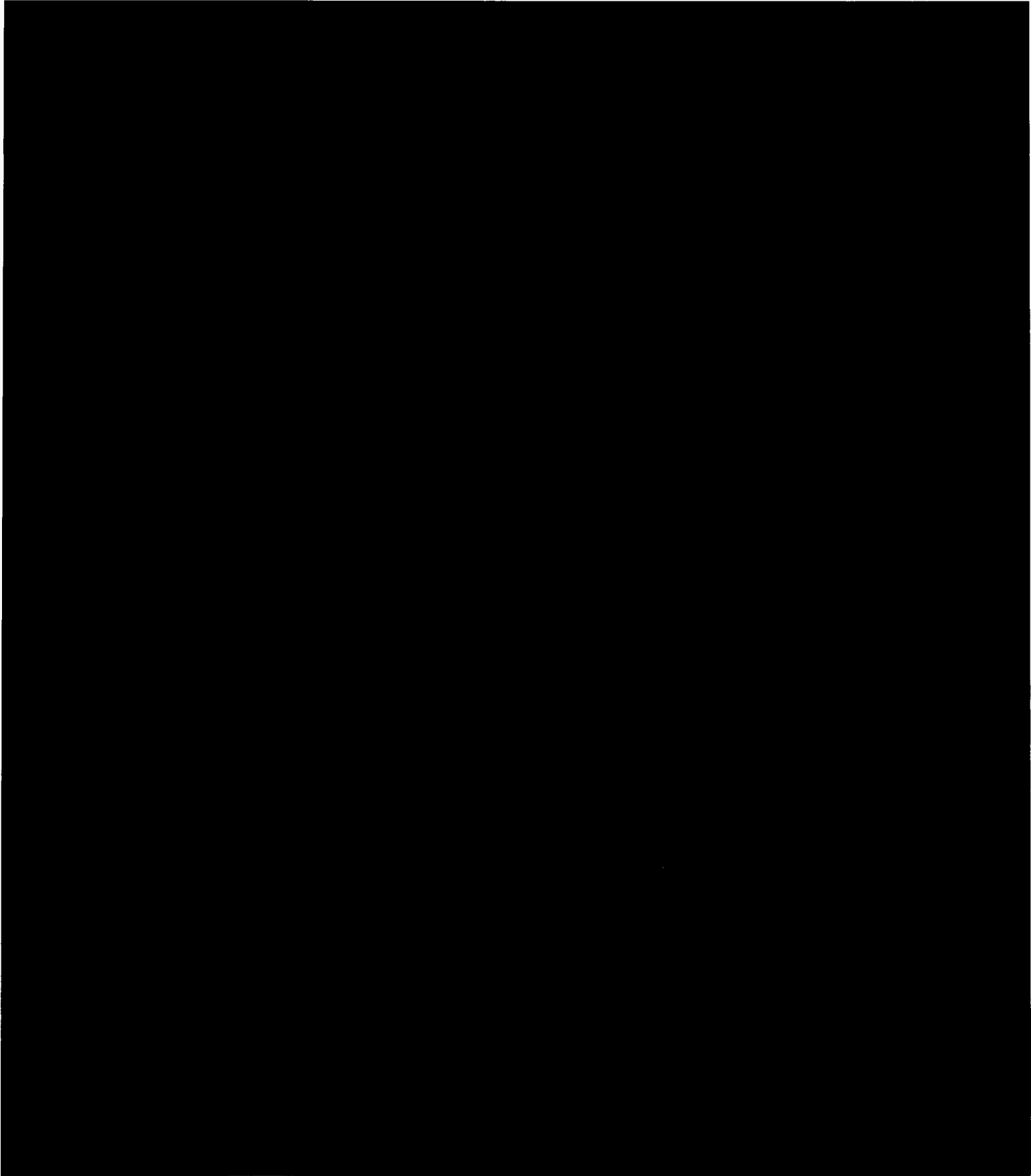
**CONFIDENTIAL**

FPL286269



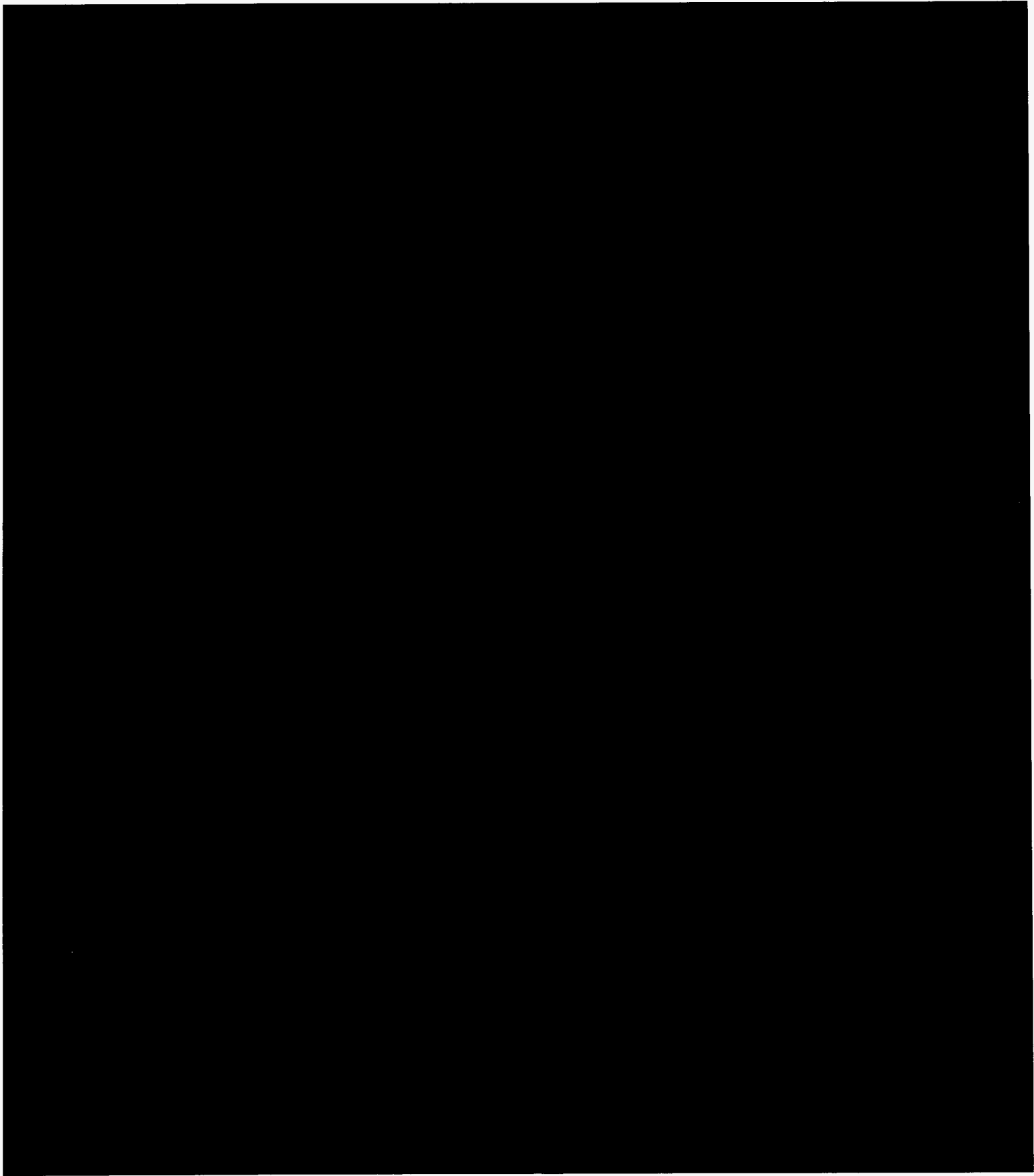
**CONFIDENTIAL**

FPL286270



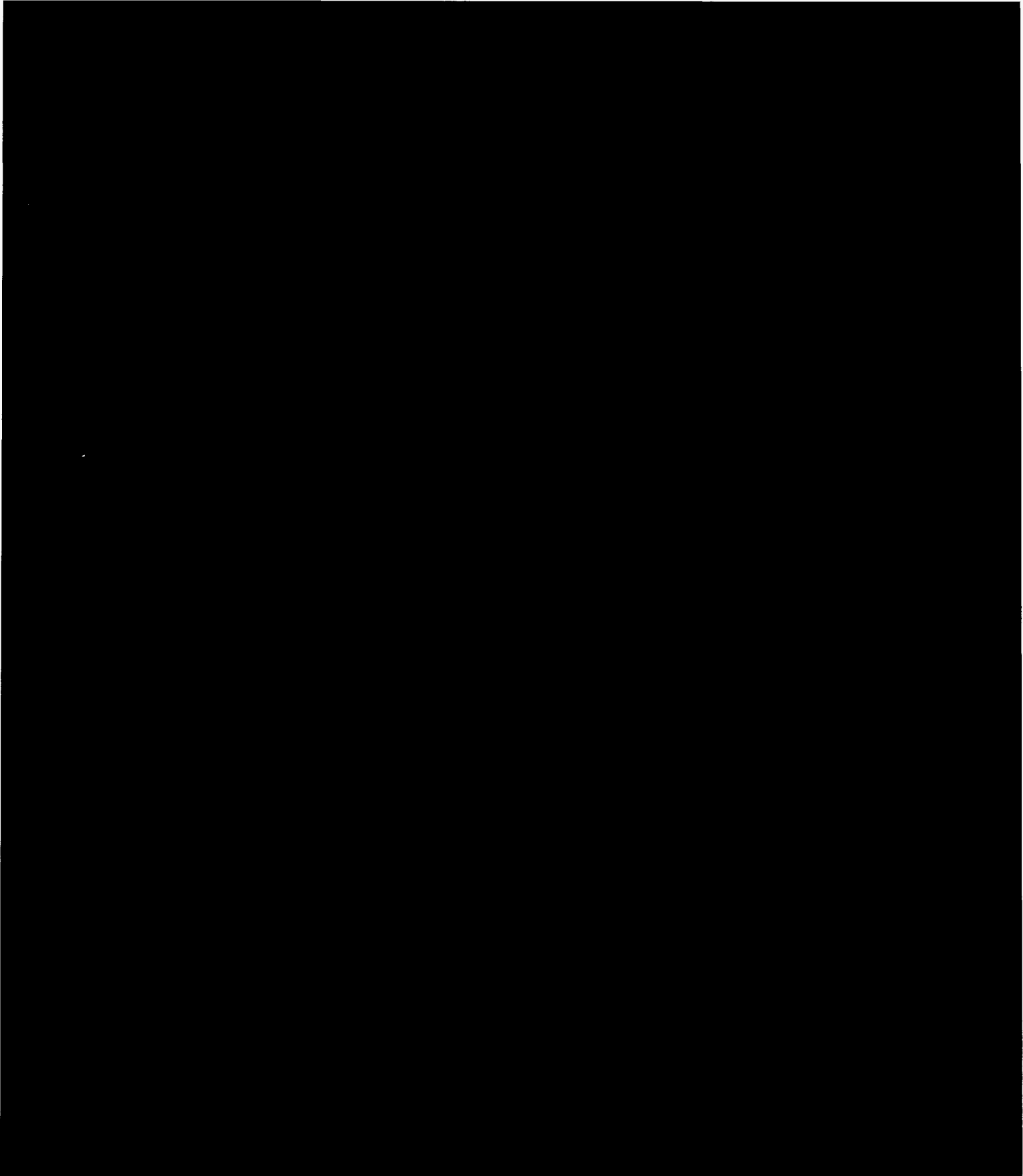
**CONFIDENTIAL**

FPL286271



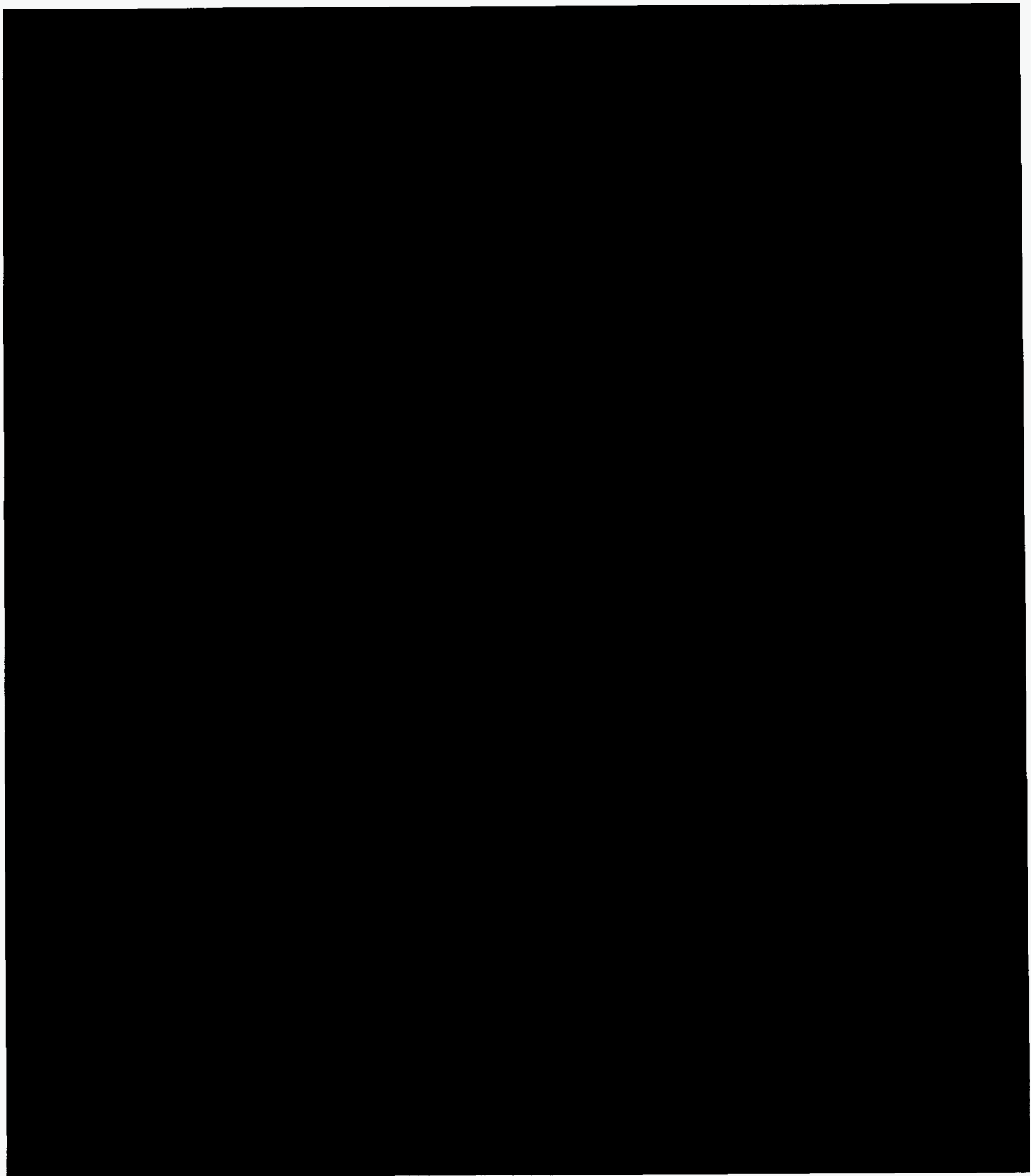
**CONFIDENTIAL**

FPI 286272



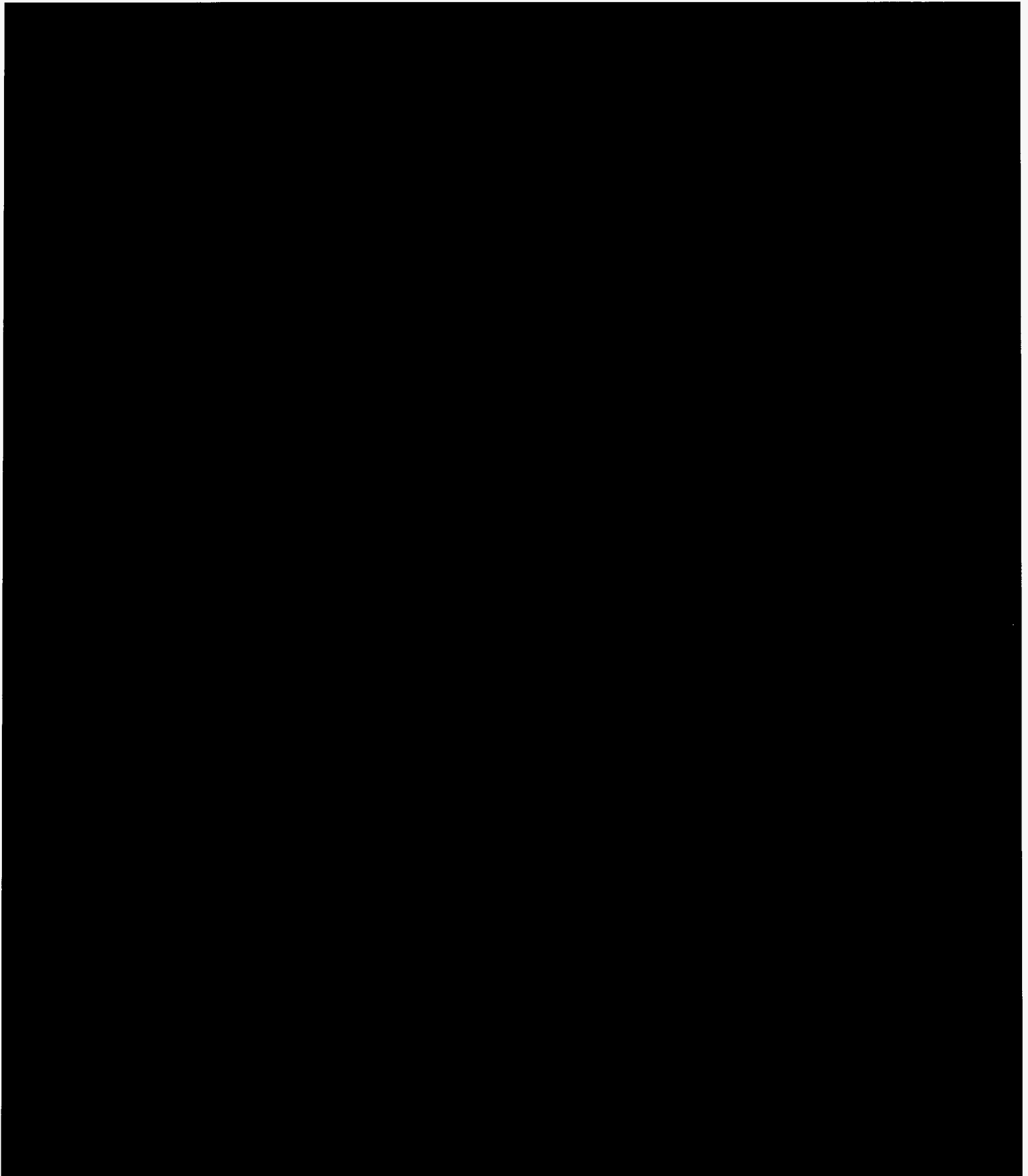
**CONFIDENTIAL**

FPL286273



**CONFIDENTIAL**

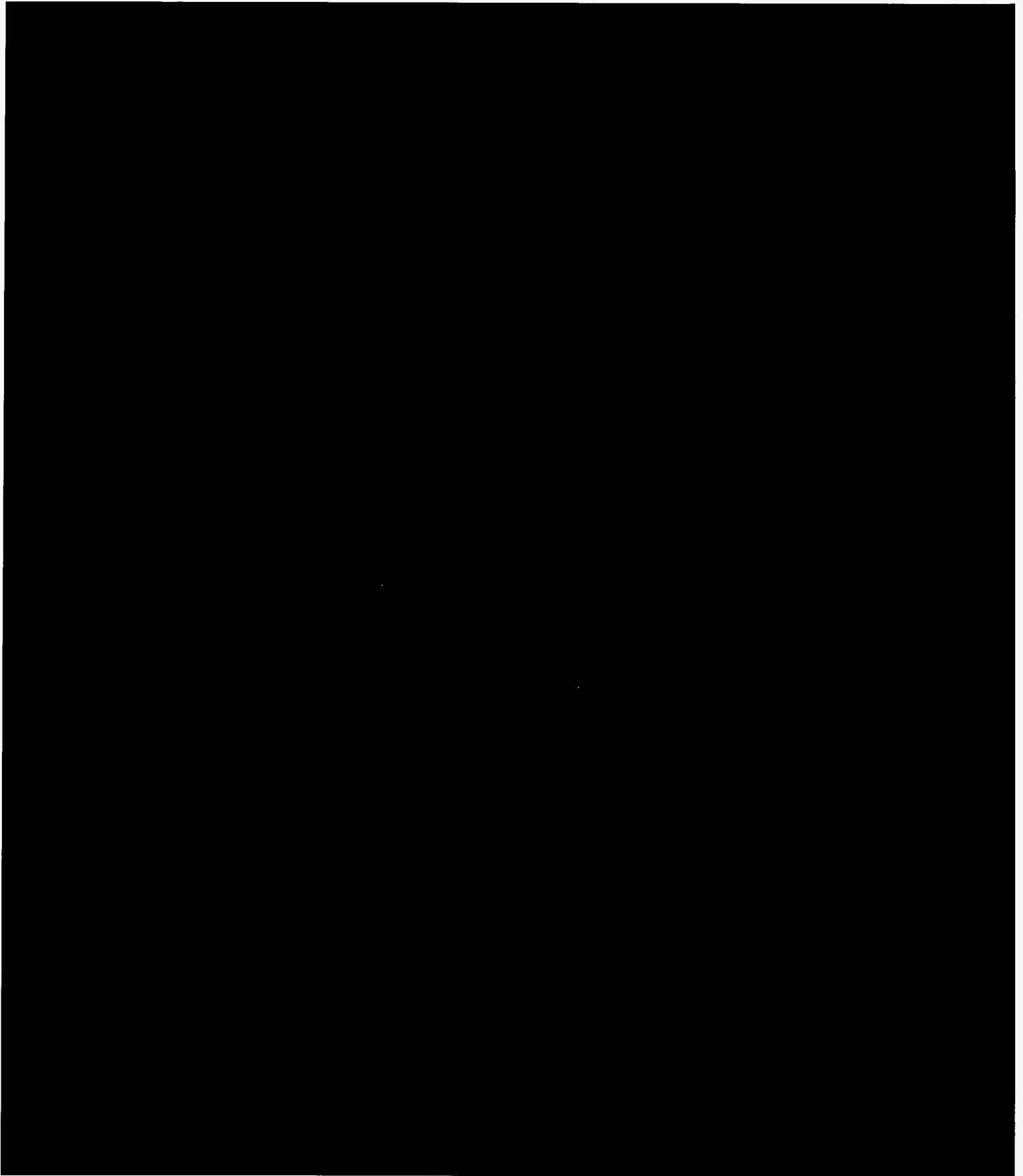
FPL286274



**CONFIDENTIAL**

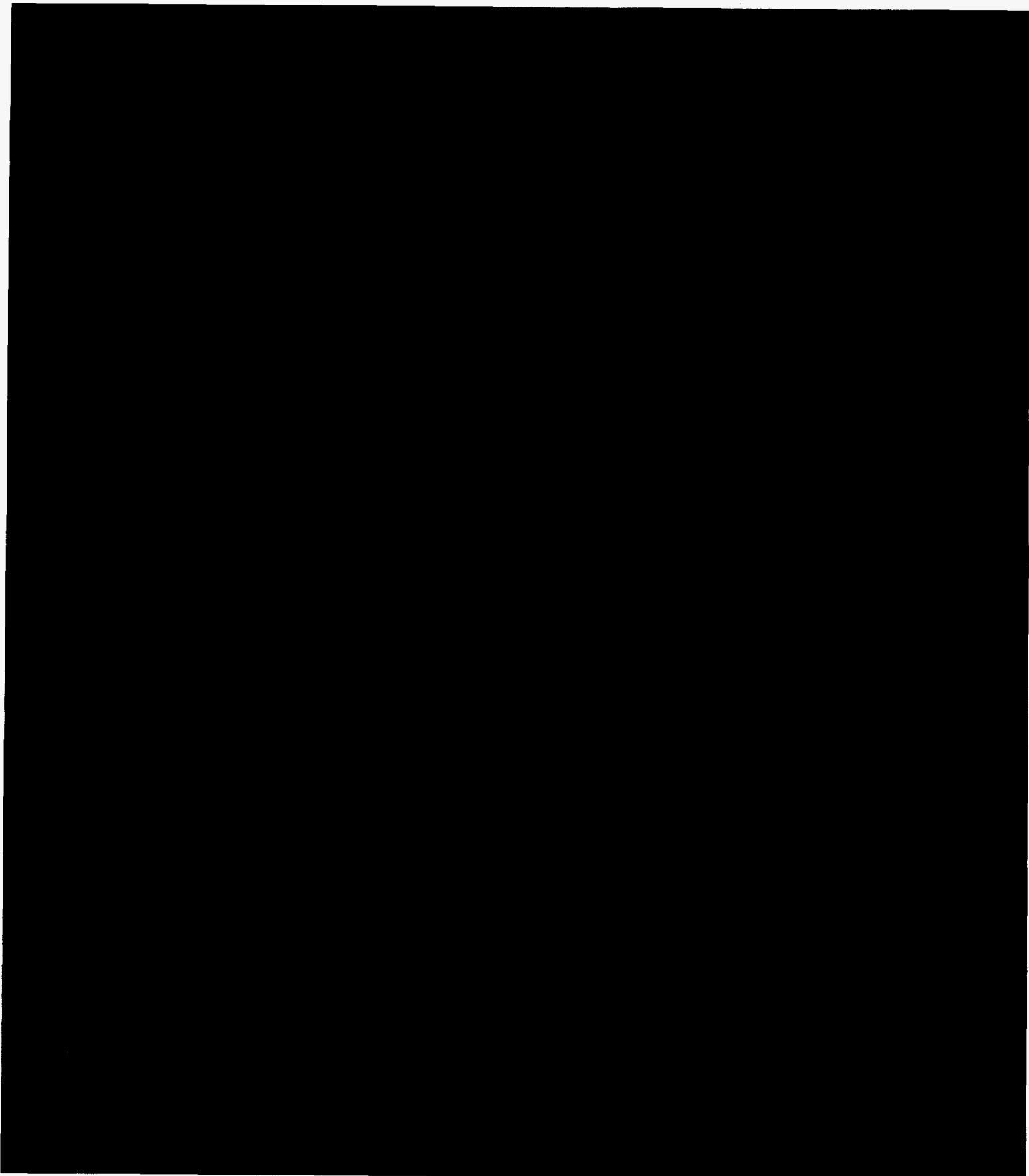
FPL286275





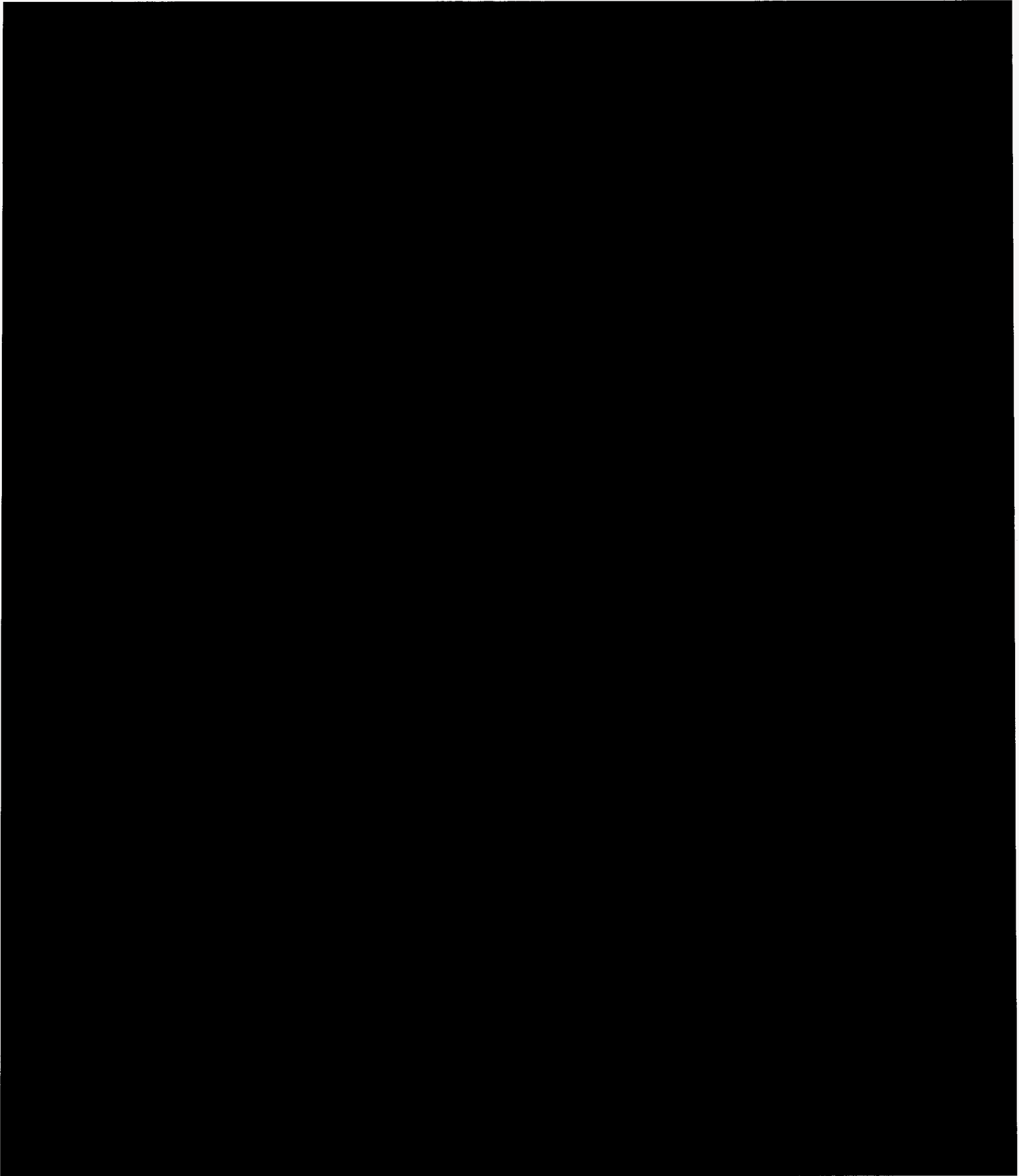
**CONFIDENTIAL**

FPL286276



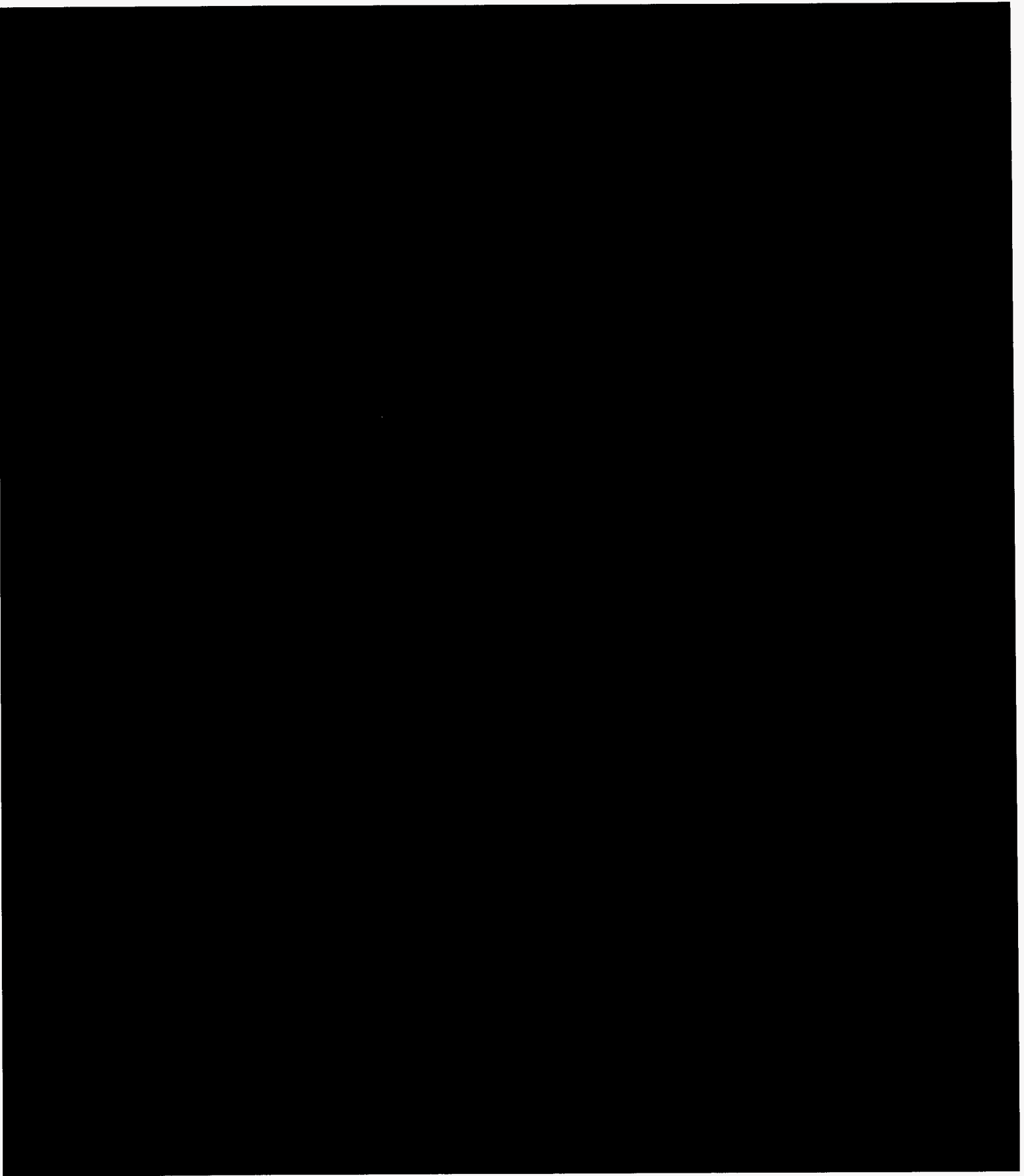
**CONFIDENTIAL**

FPL286277



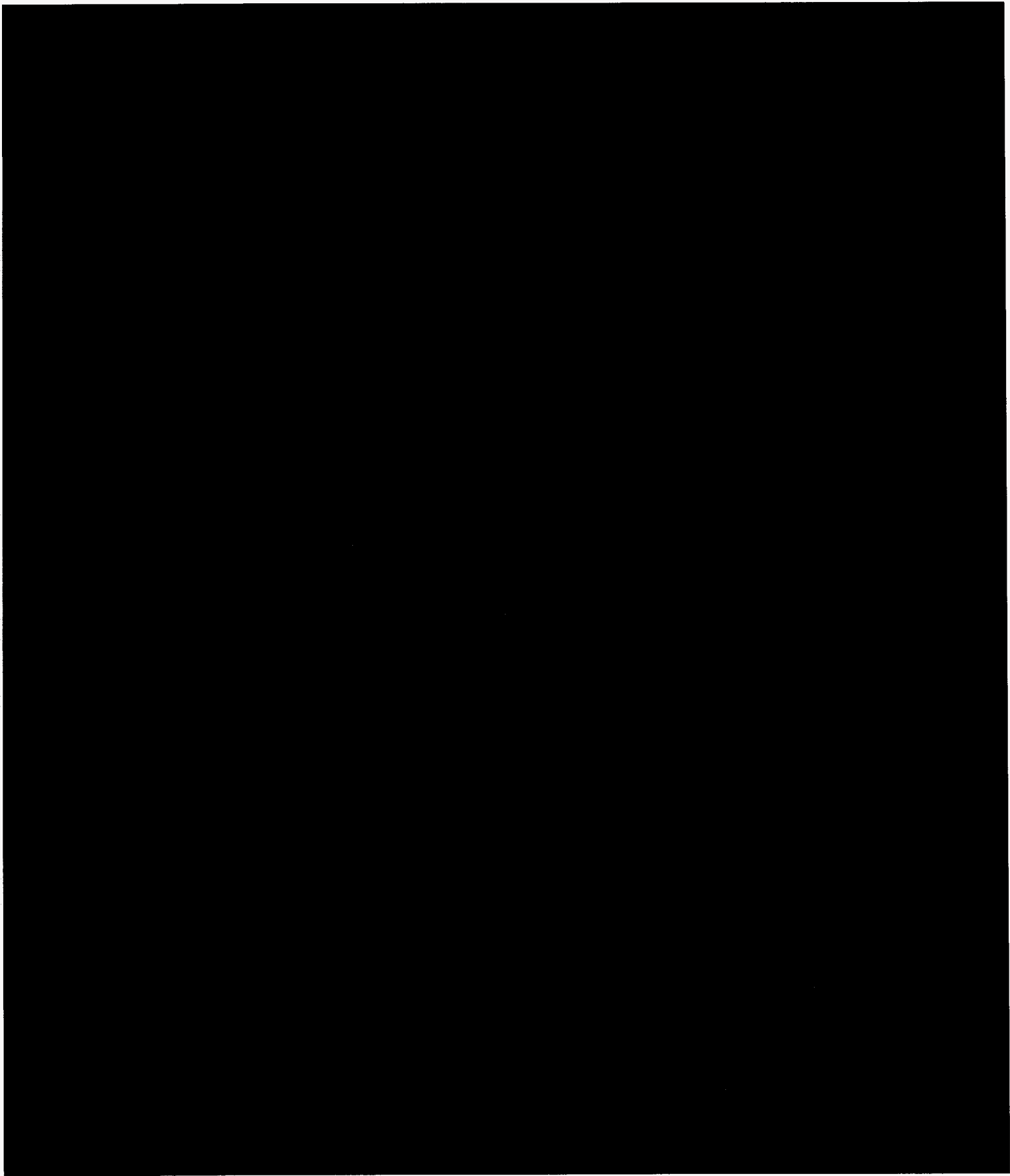
**CONFIDENTIAL**

FPL286278



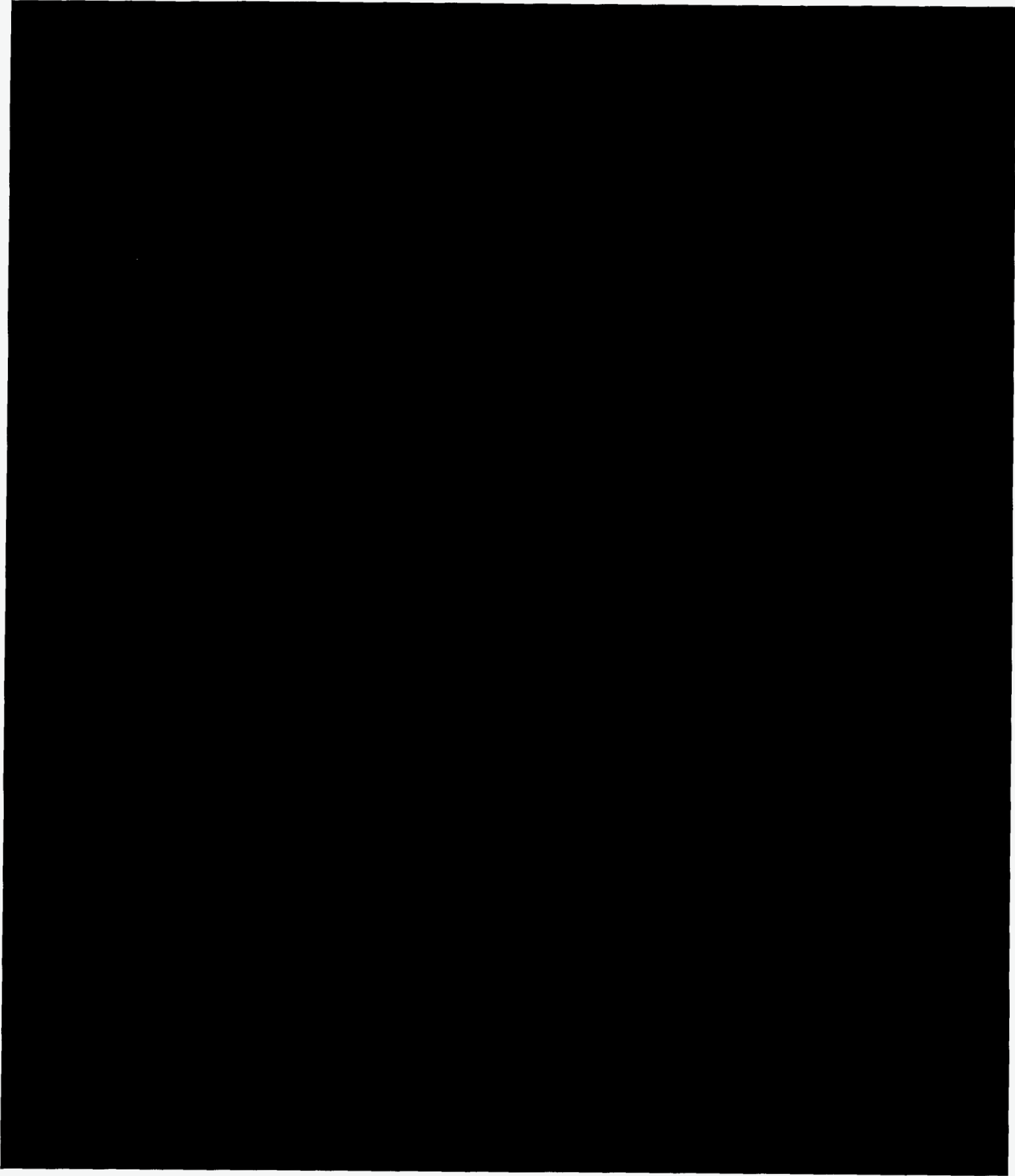
**CONFIDENTIAL**

FPL286279



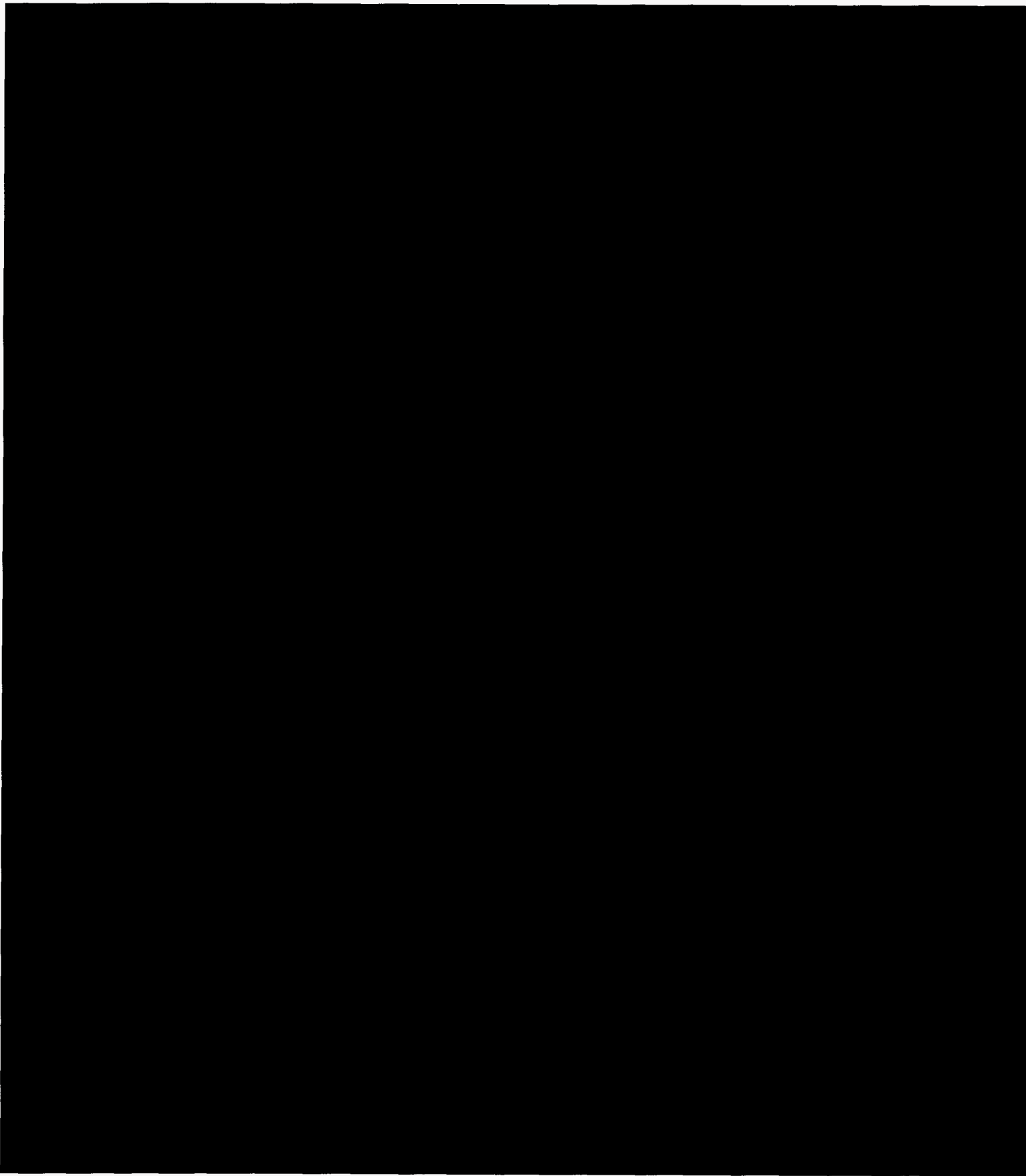
**CONFIDENTIAL**

FPL286280



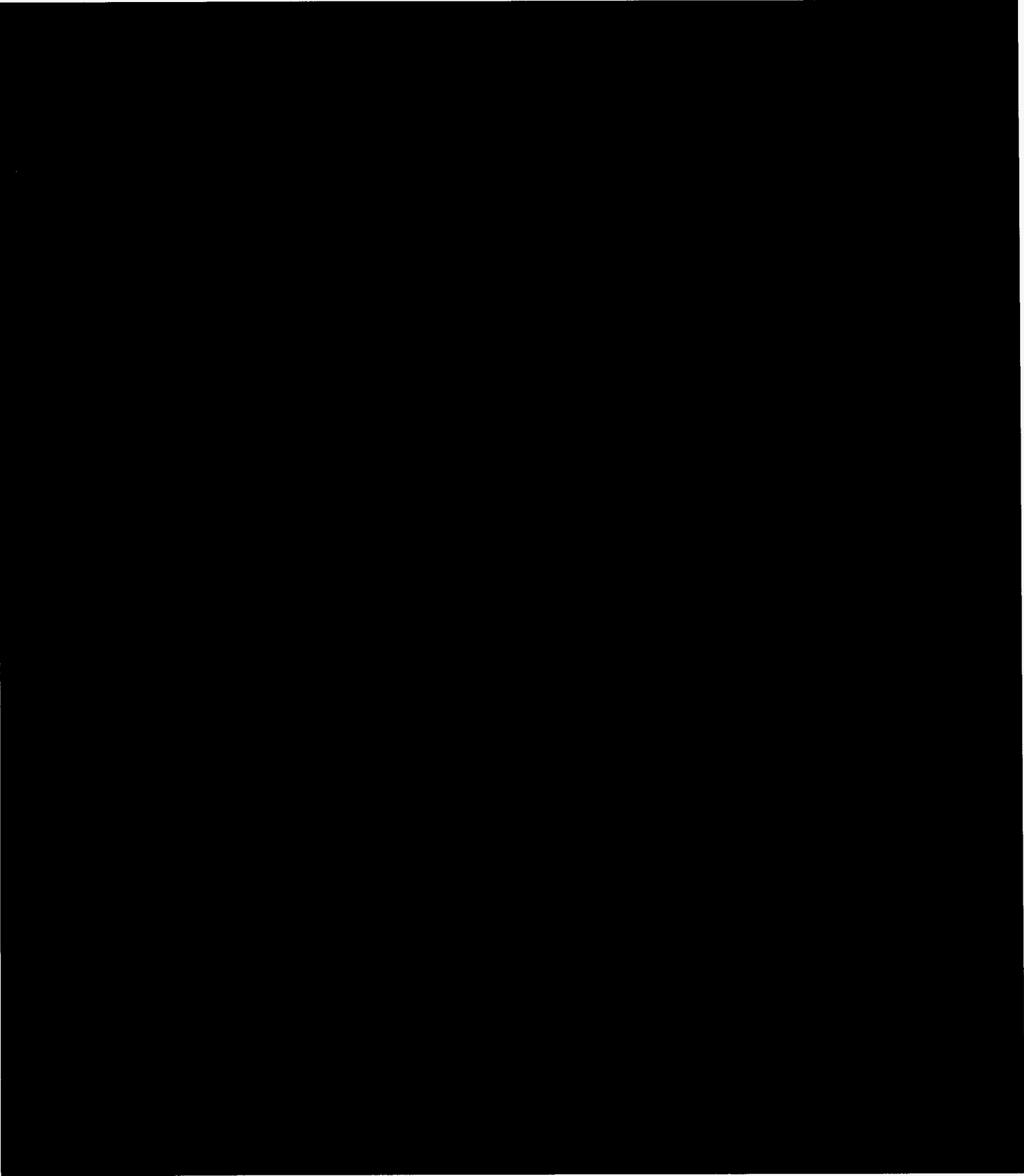
**CONFIDENTIAL**

FPL286281



**CONFIDENTIAL**

FPL286282



**CONFIDENTIAL**

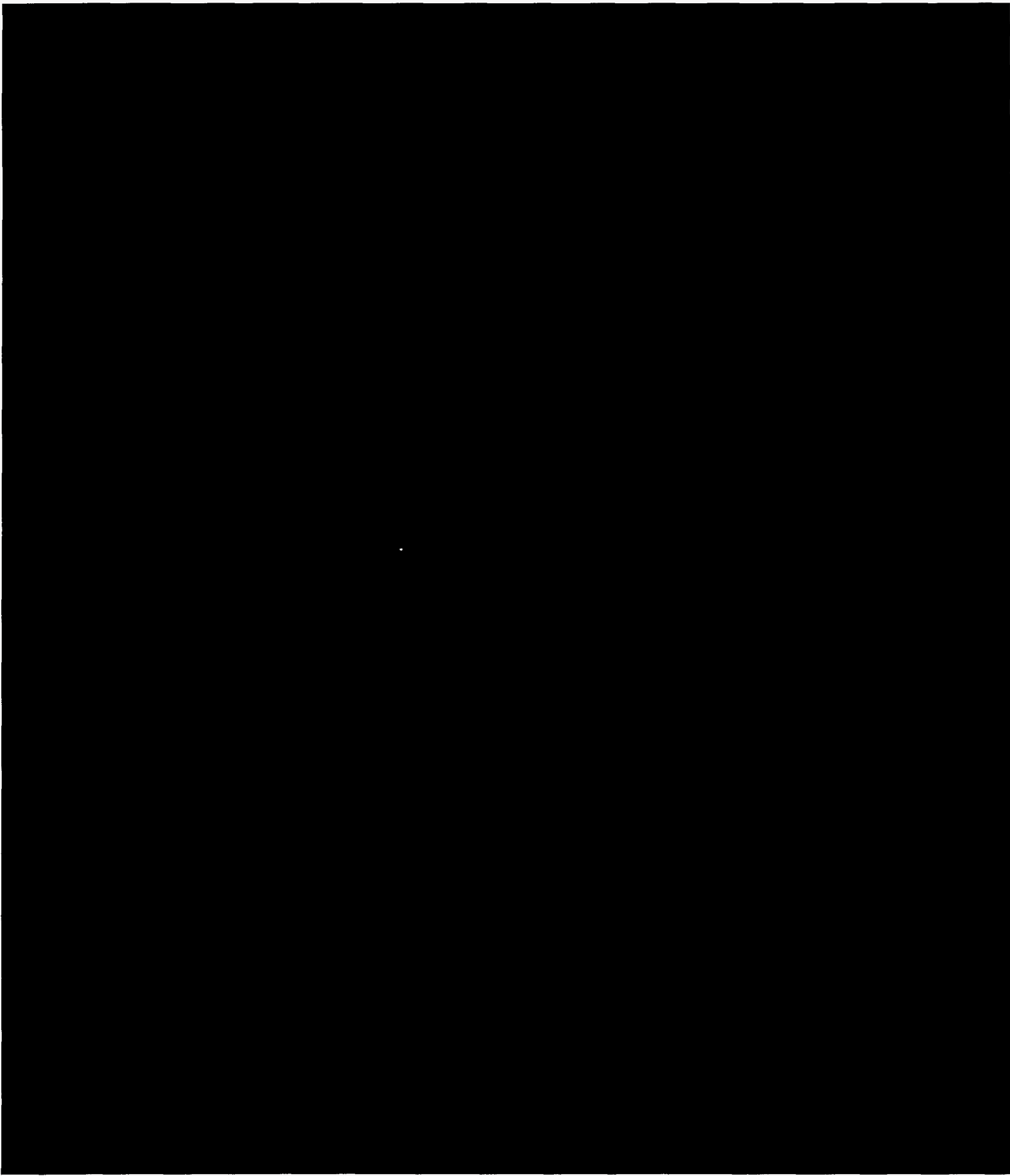
FPL286283





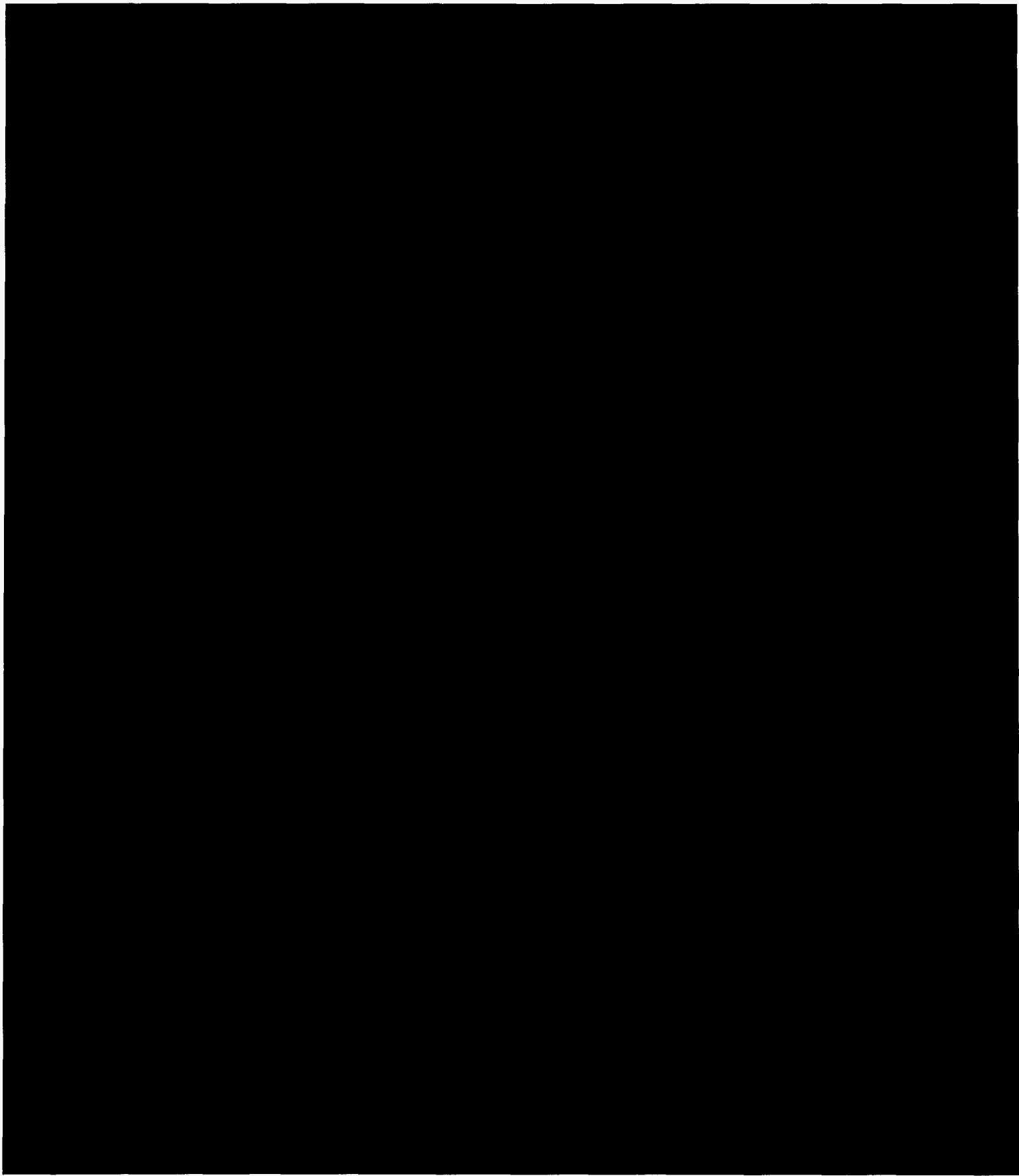
**CONFIDENTIAL**

FPL286284



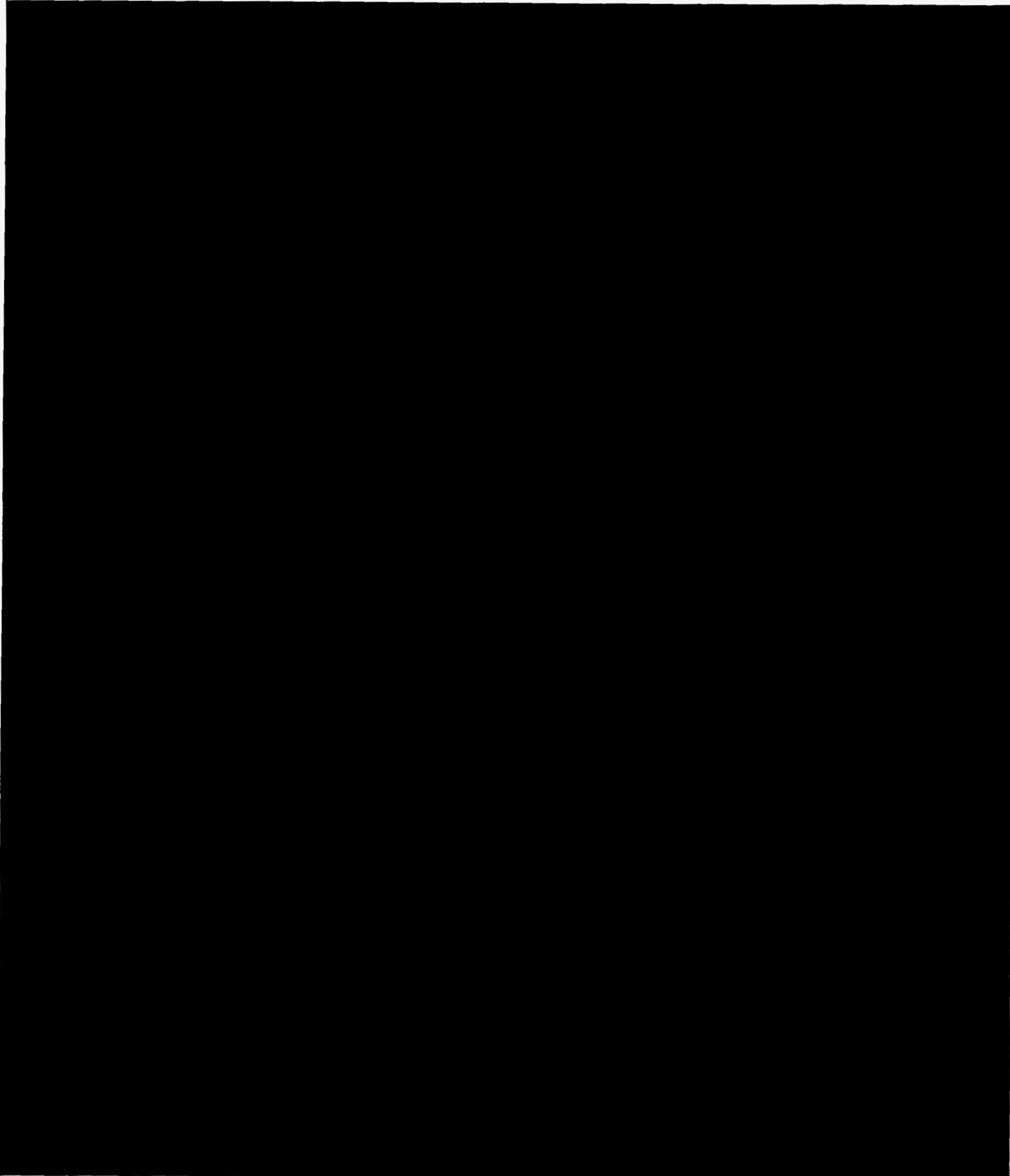
**CONFIDENTIAL**

FPL286285



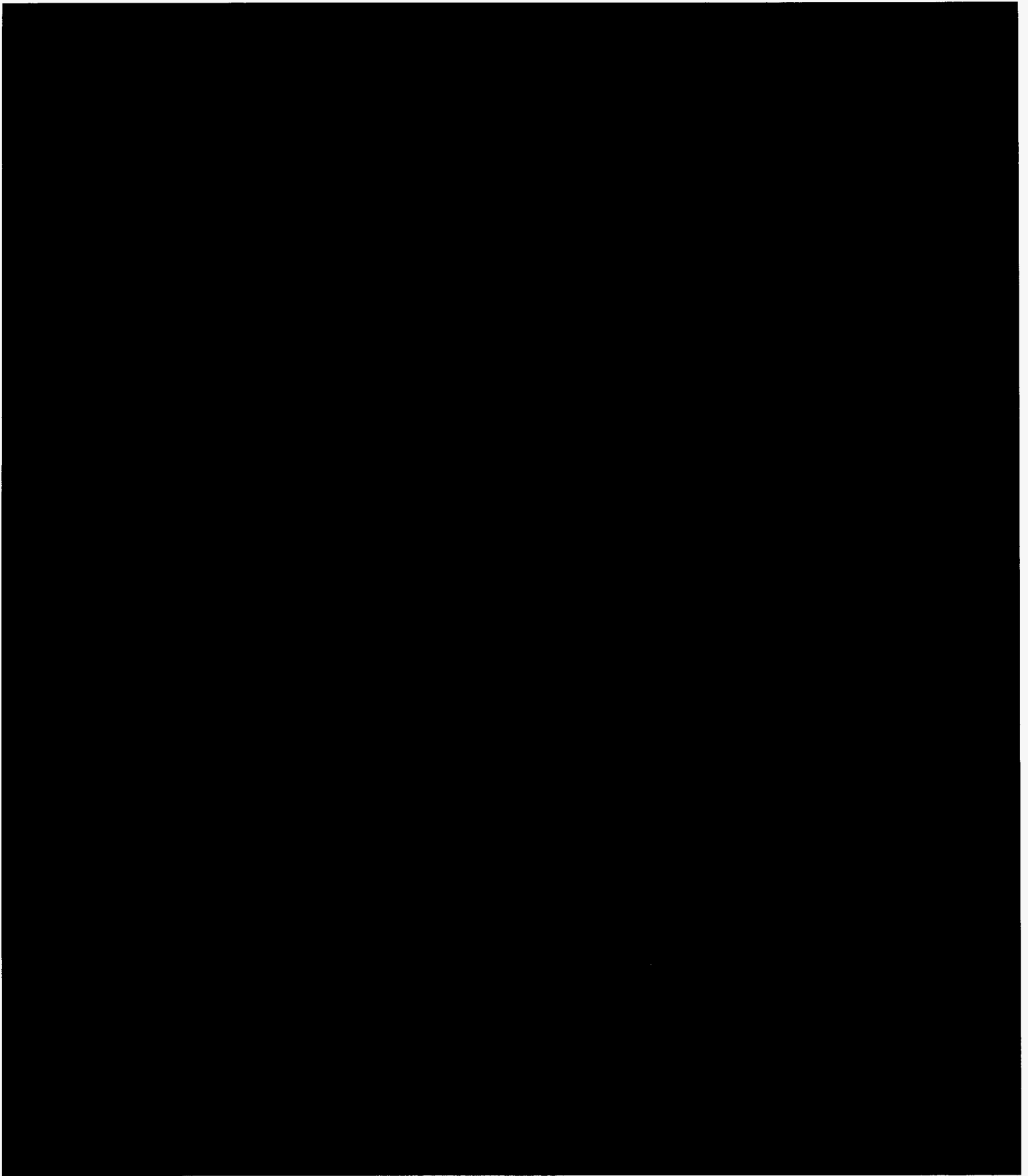
**CONFIDENTIAL**

FPL286286



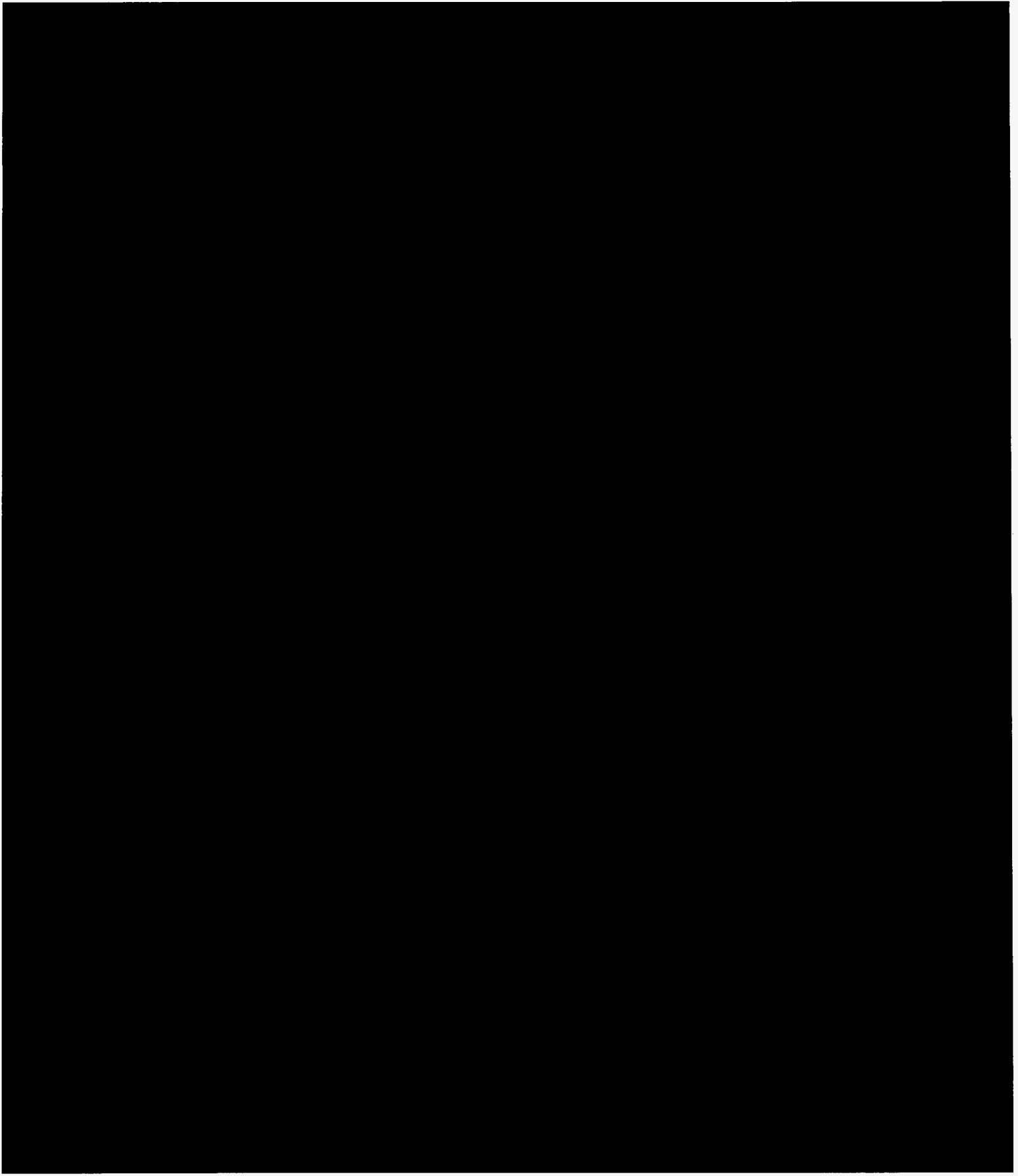
**CONFIDENTIAL**

FPL286287



**CONFIDENTIAL**

FPI 286288

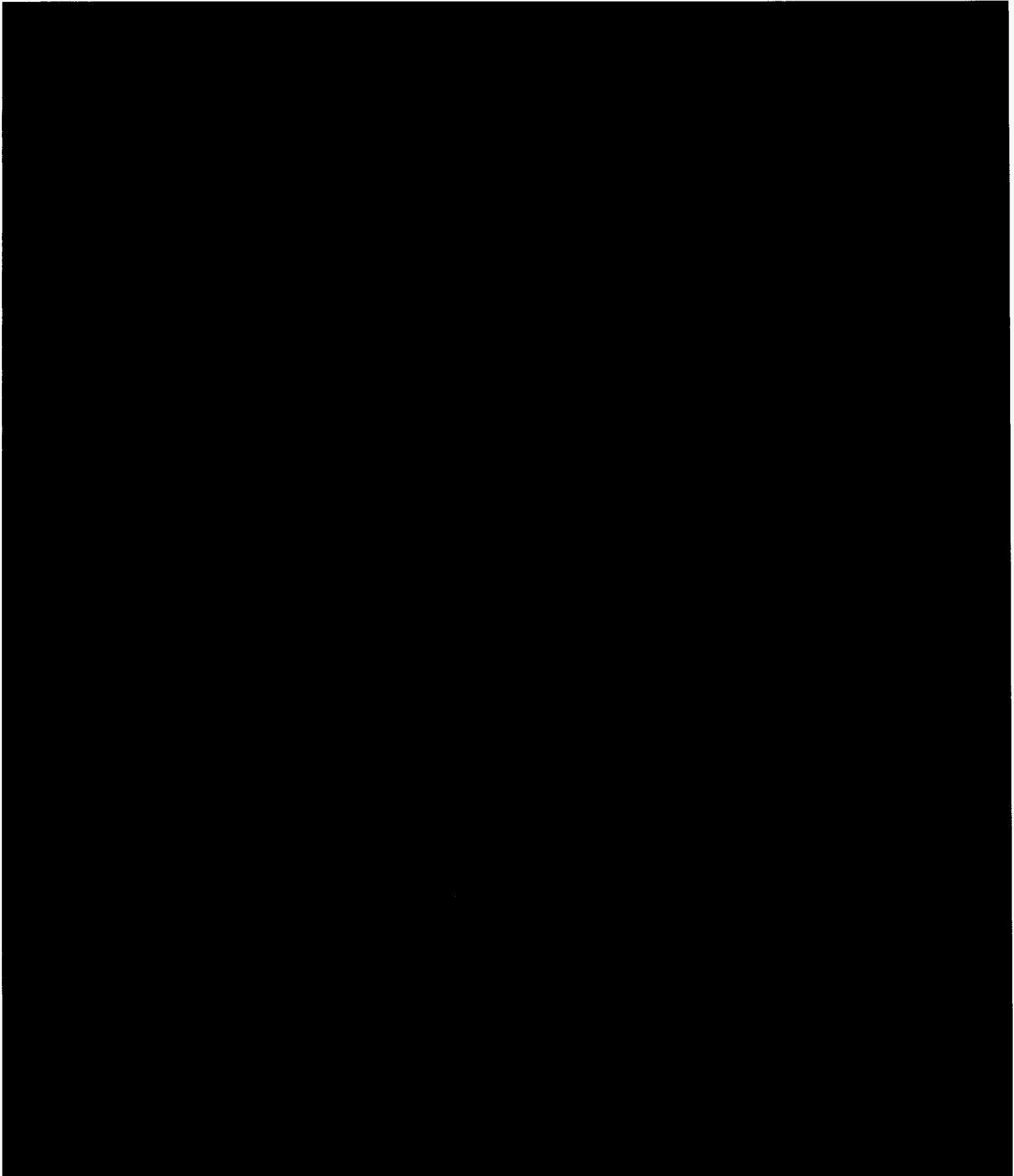


**CONFIDENTIAL**

FPI.286289

**CONFIDENTIAL**

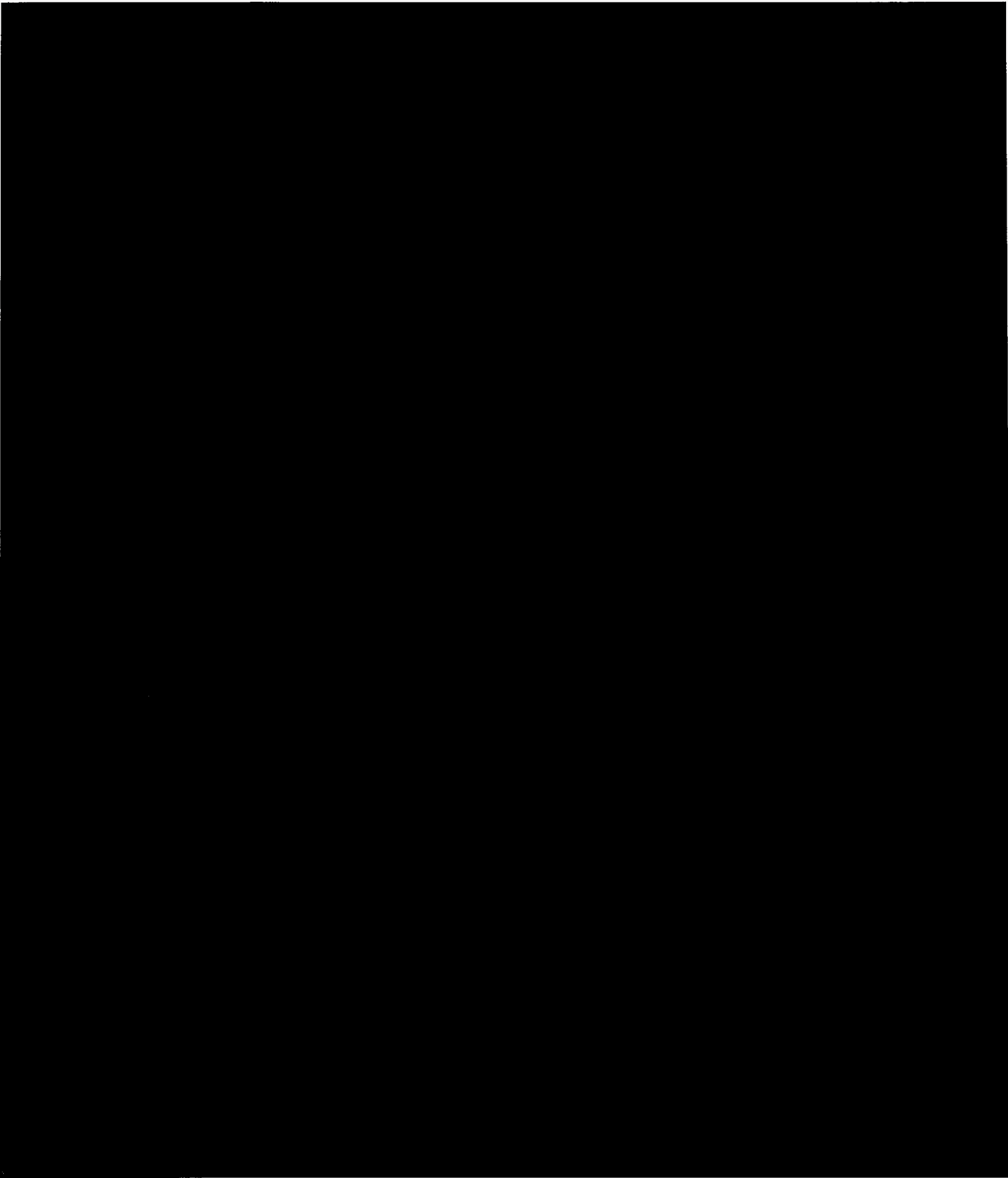
FPI 286290



**CONFIDENTIAL**

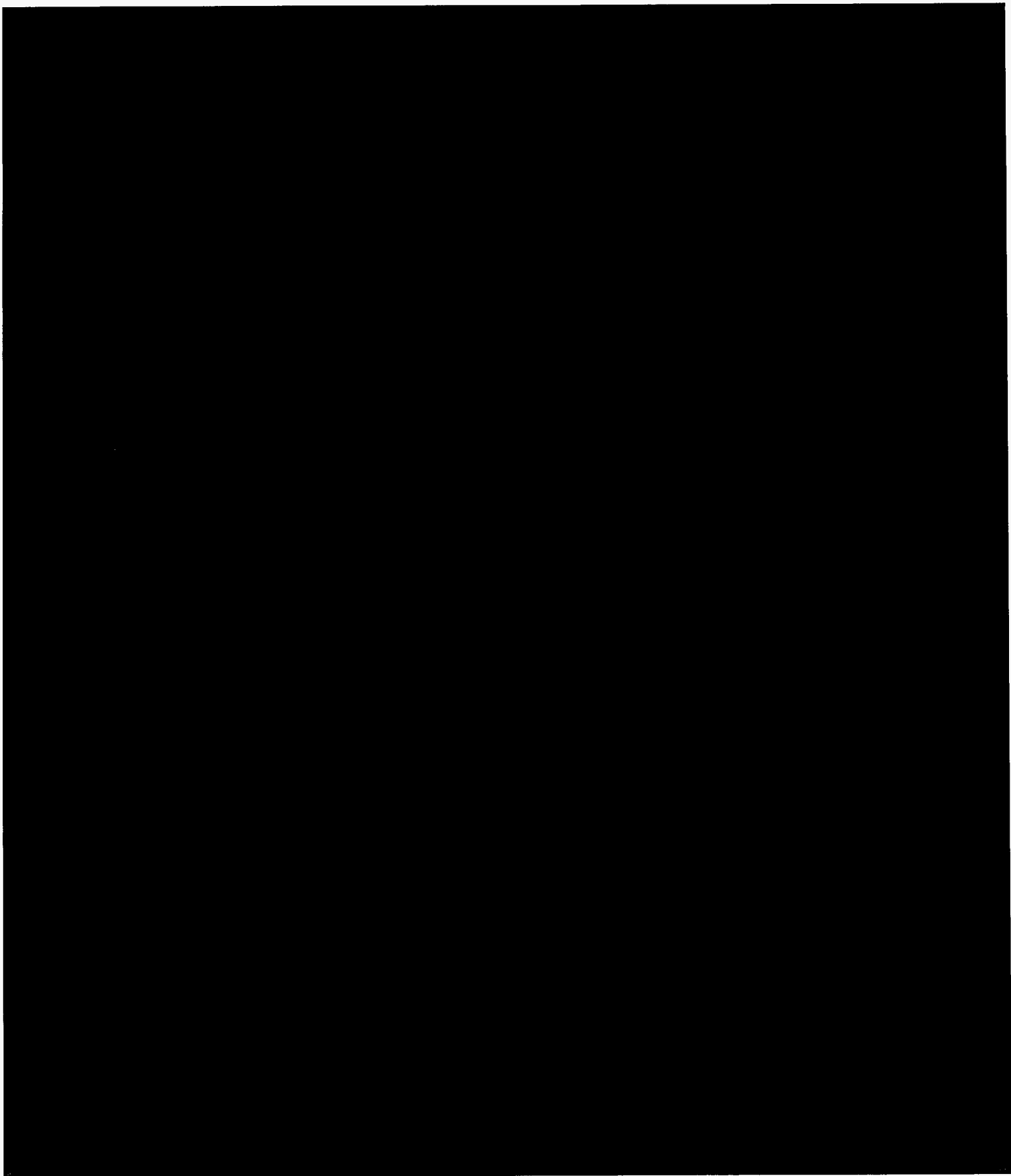
FPL286291





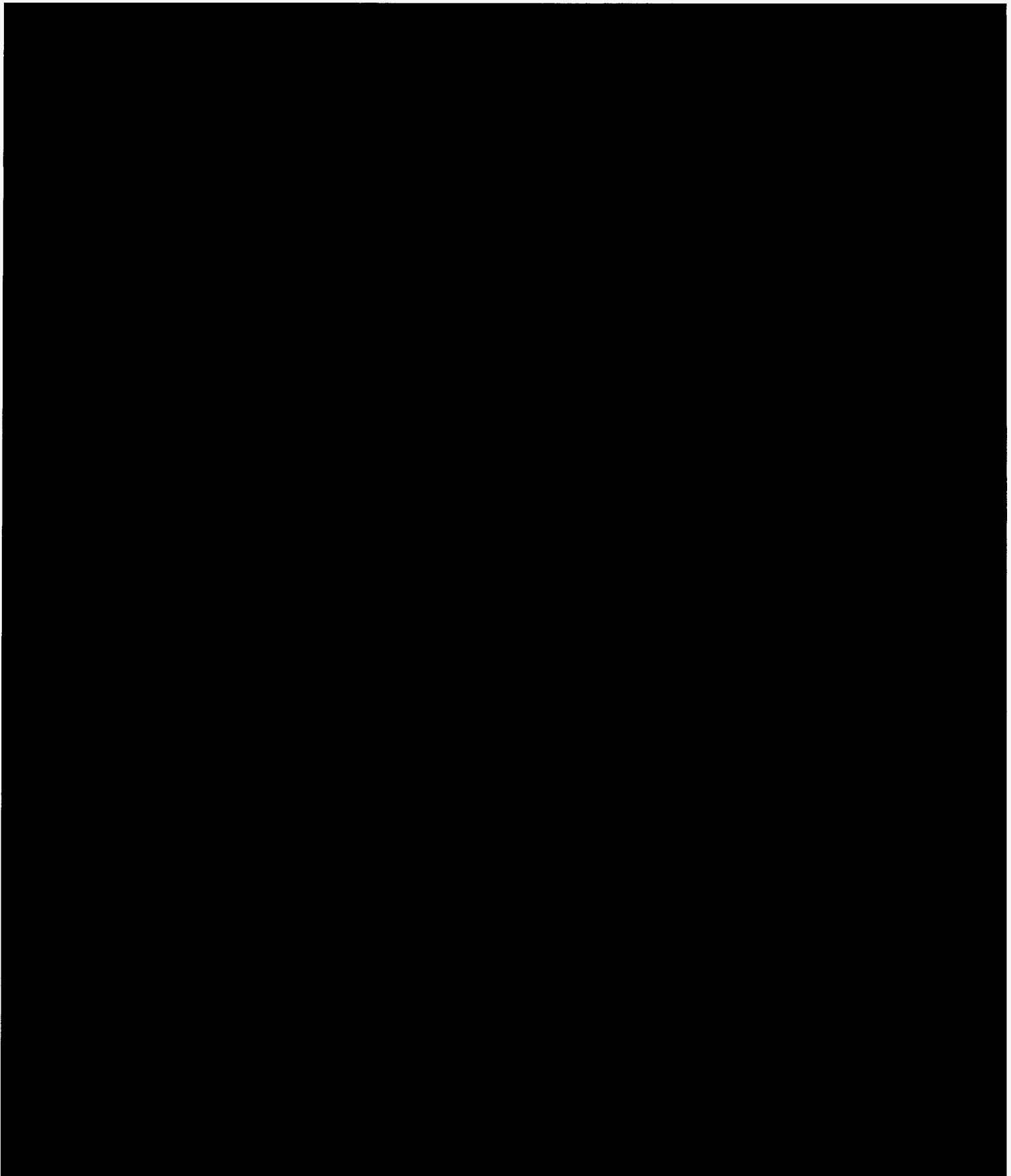
**CONFIDENTIAL**

FPL286292



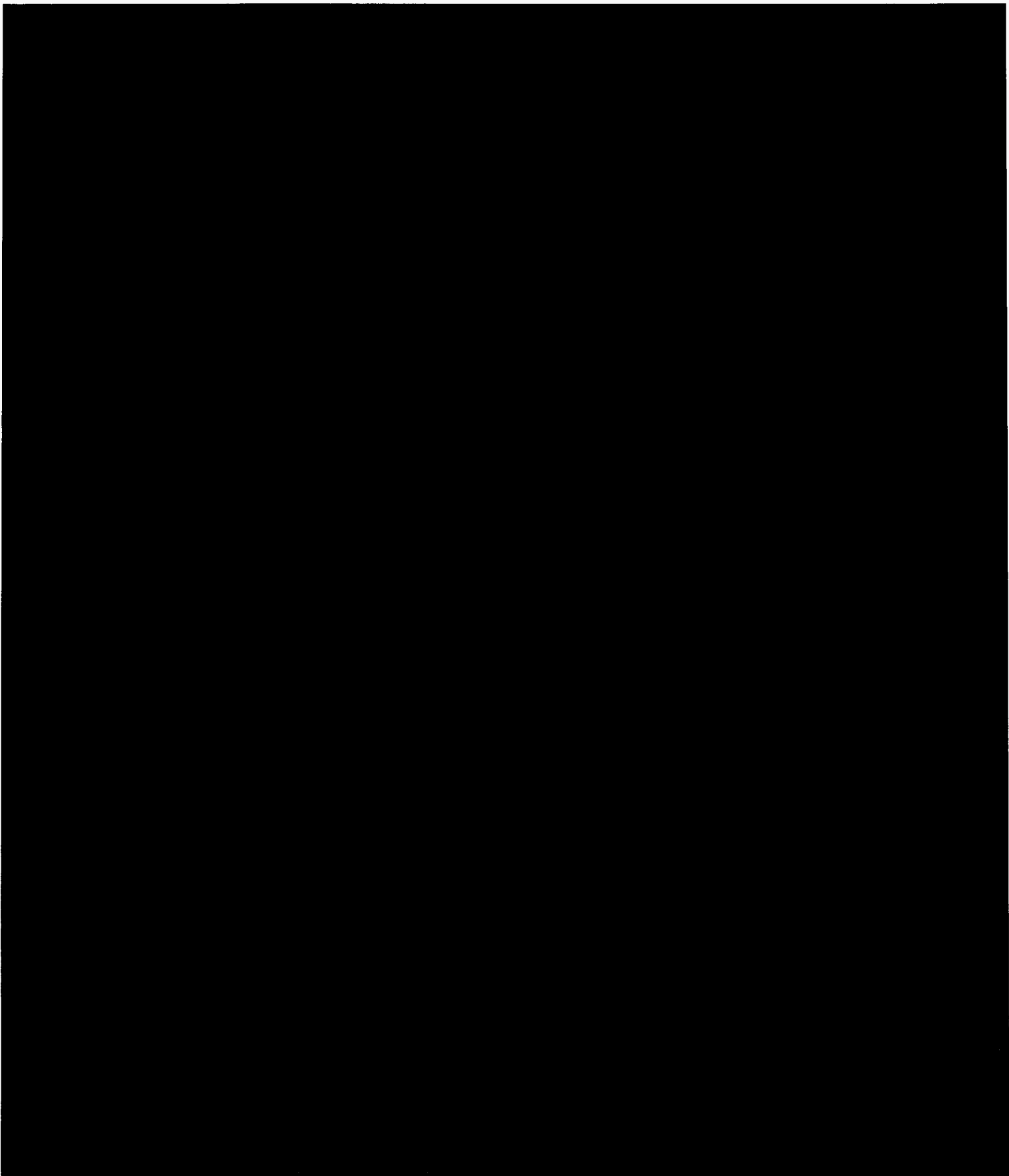
**CONFIDENTIAL**

FPL286293



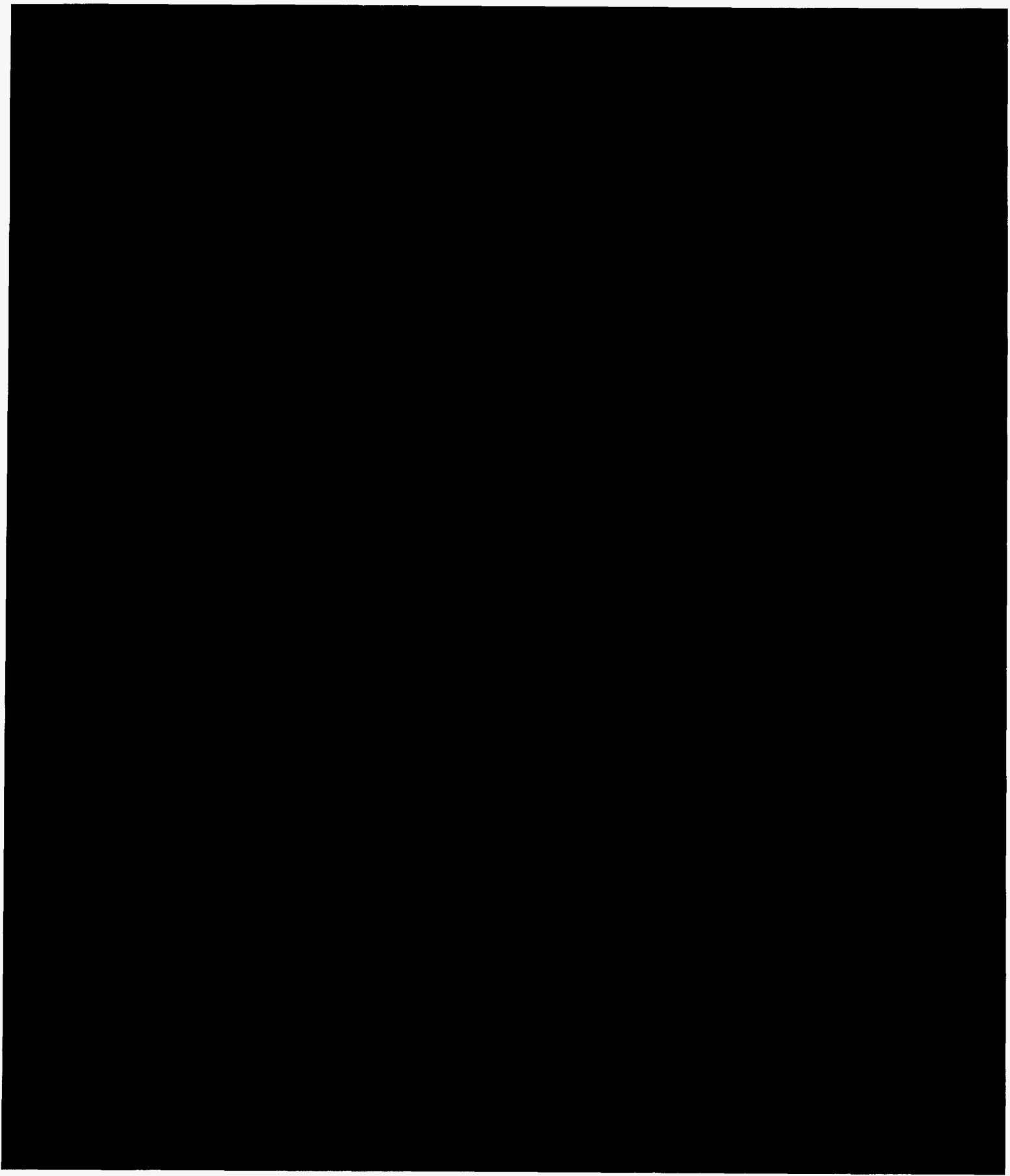
**CONFIDENTIAL**

FPL286294



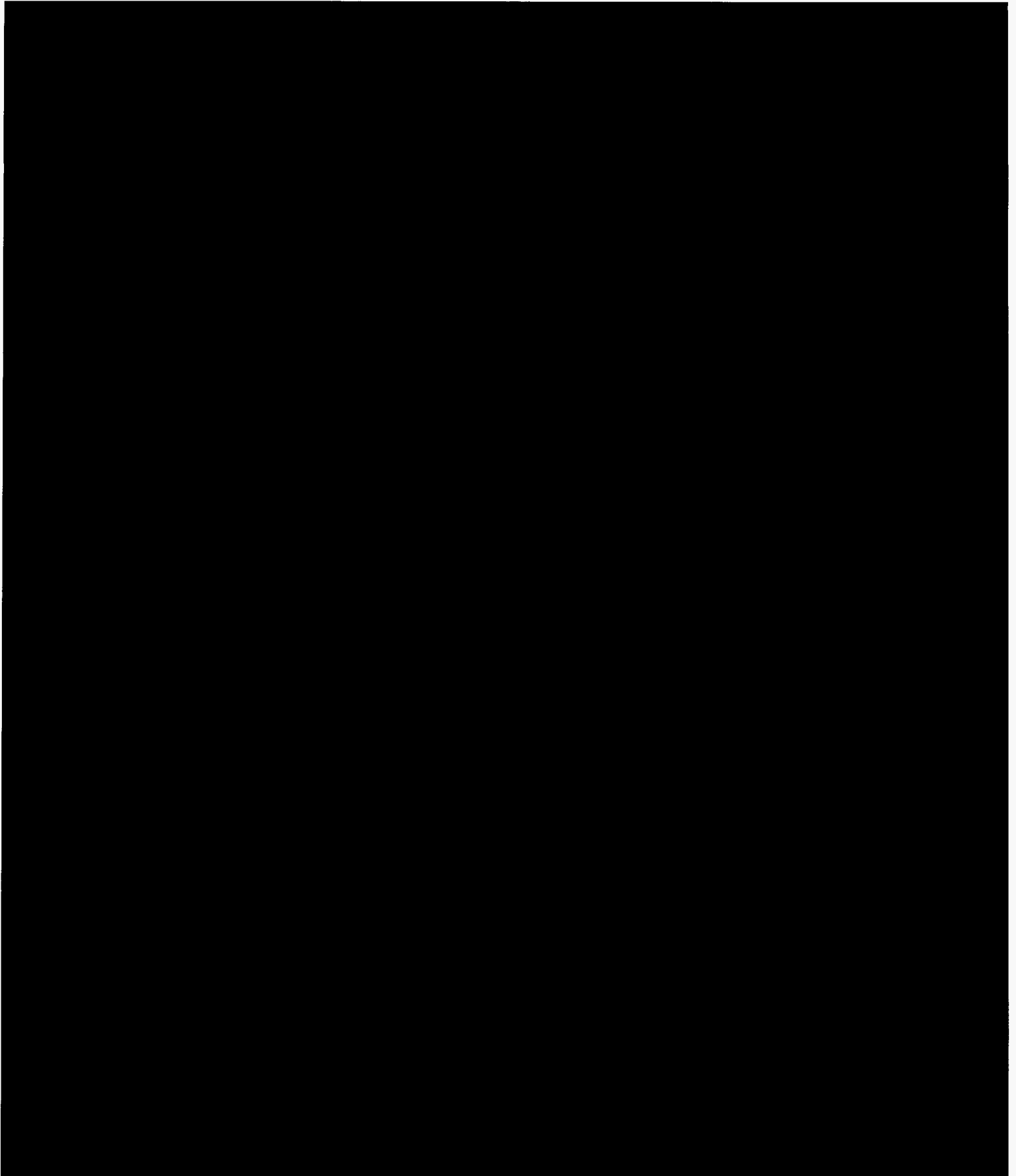
**CONFIDENTIAL**

FPL286295



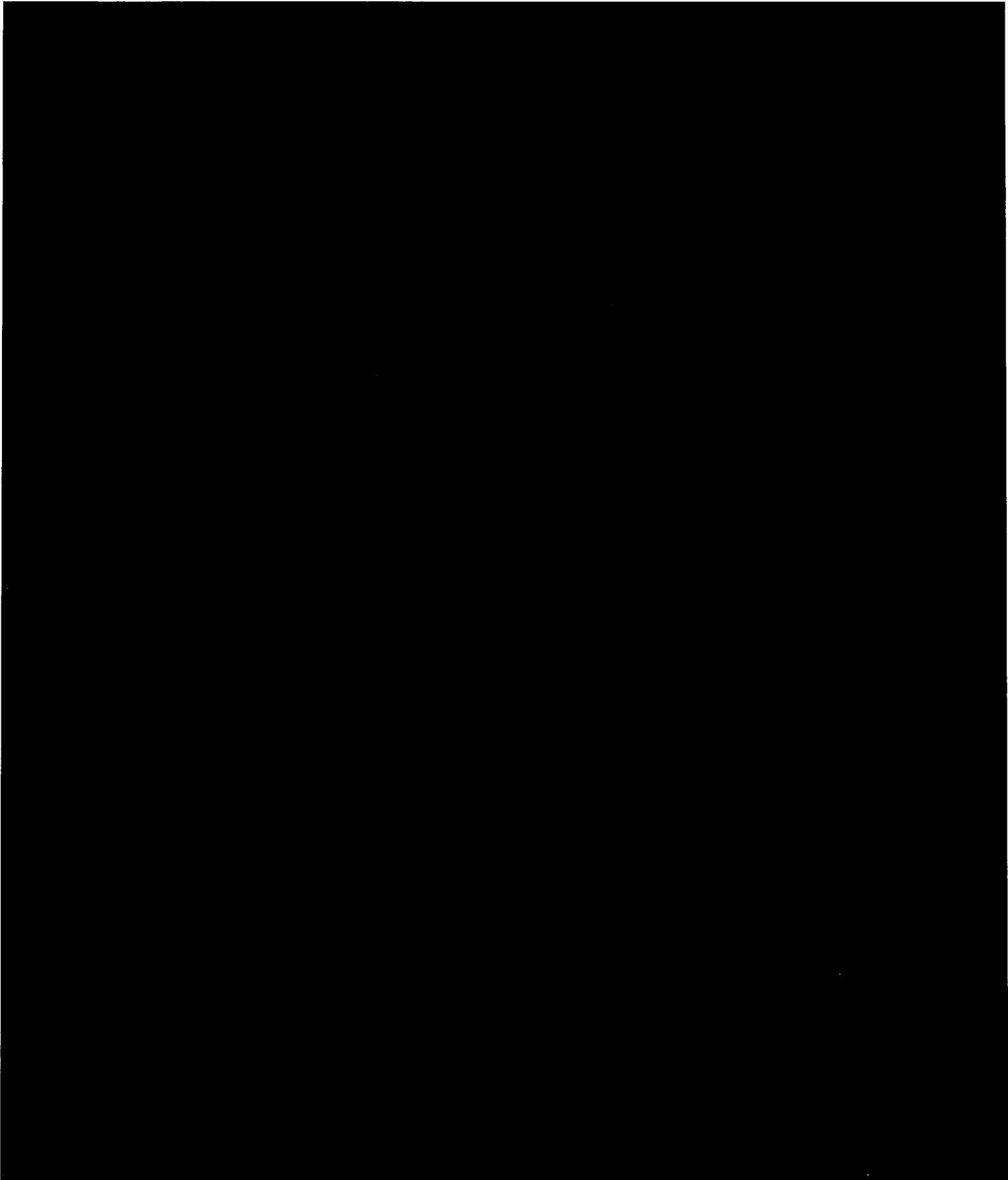
**CONFIDENTIAL**

FPL286296



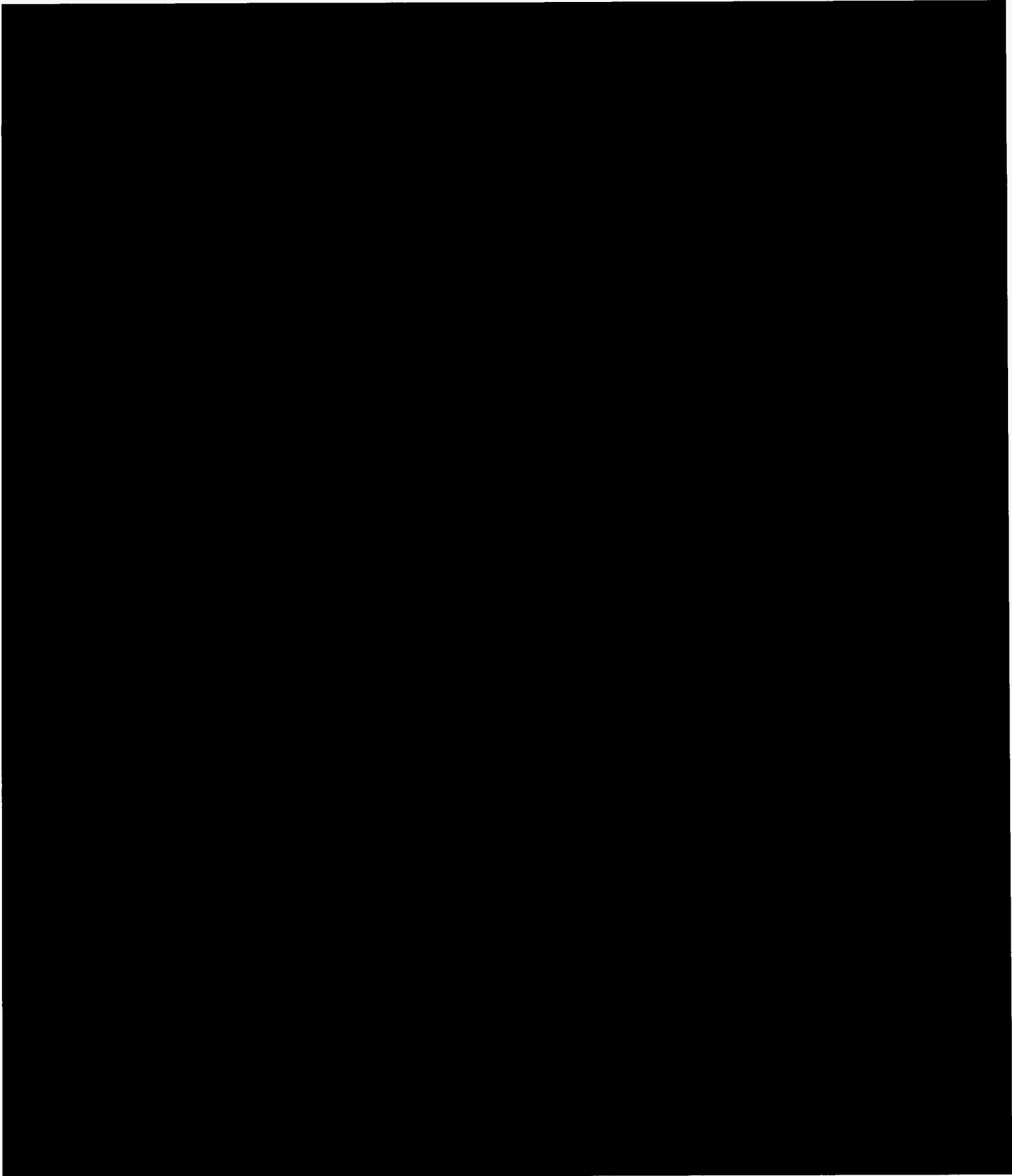
**CONFIDENTIAL**

FPL286297



**CONFIDENTIAL**

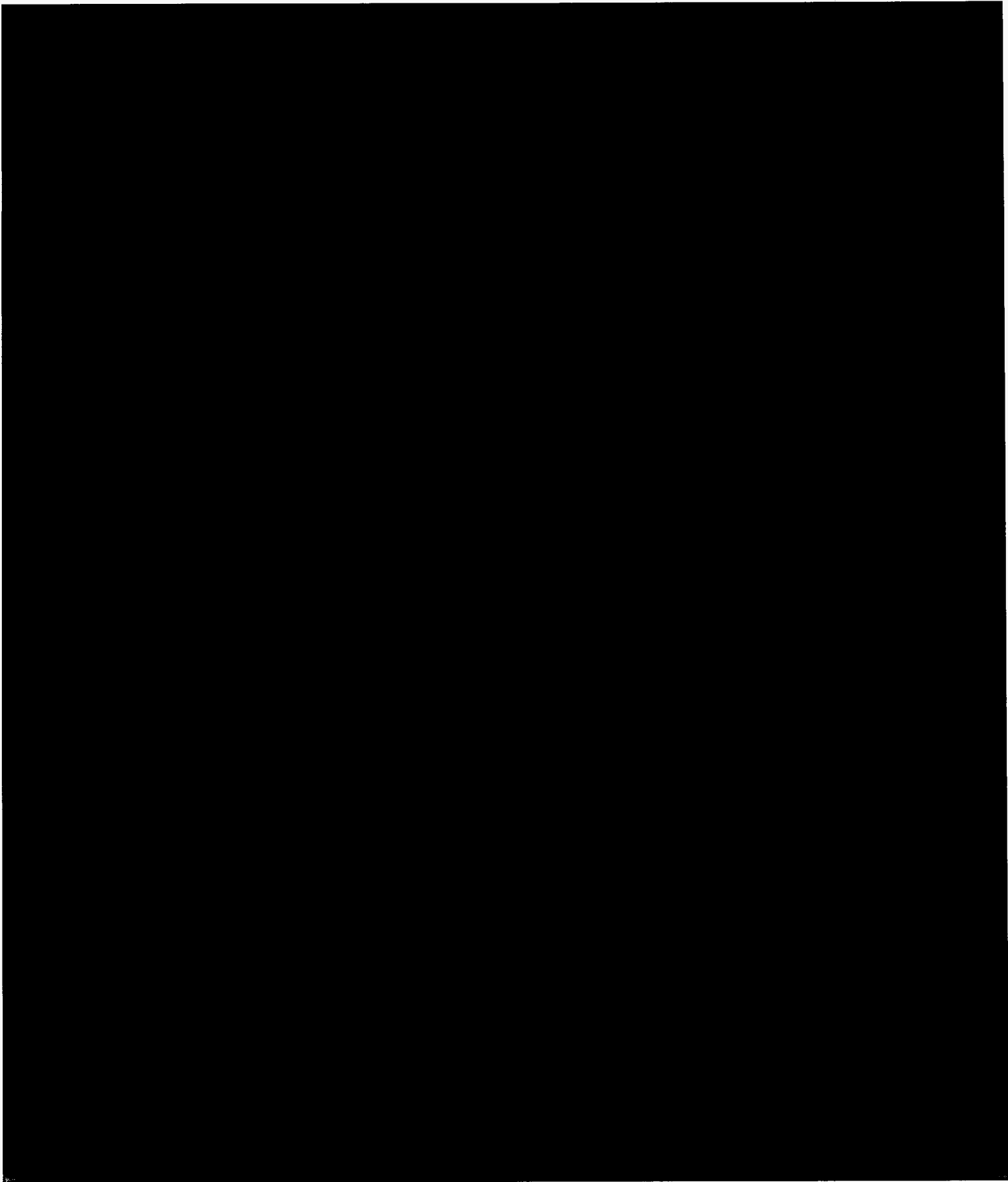
FPL286298



**CONFIDENTIAL**

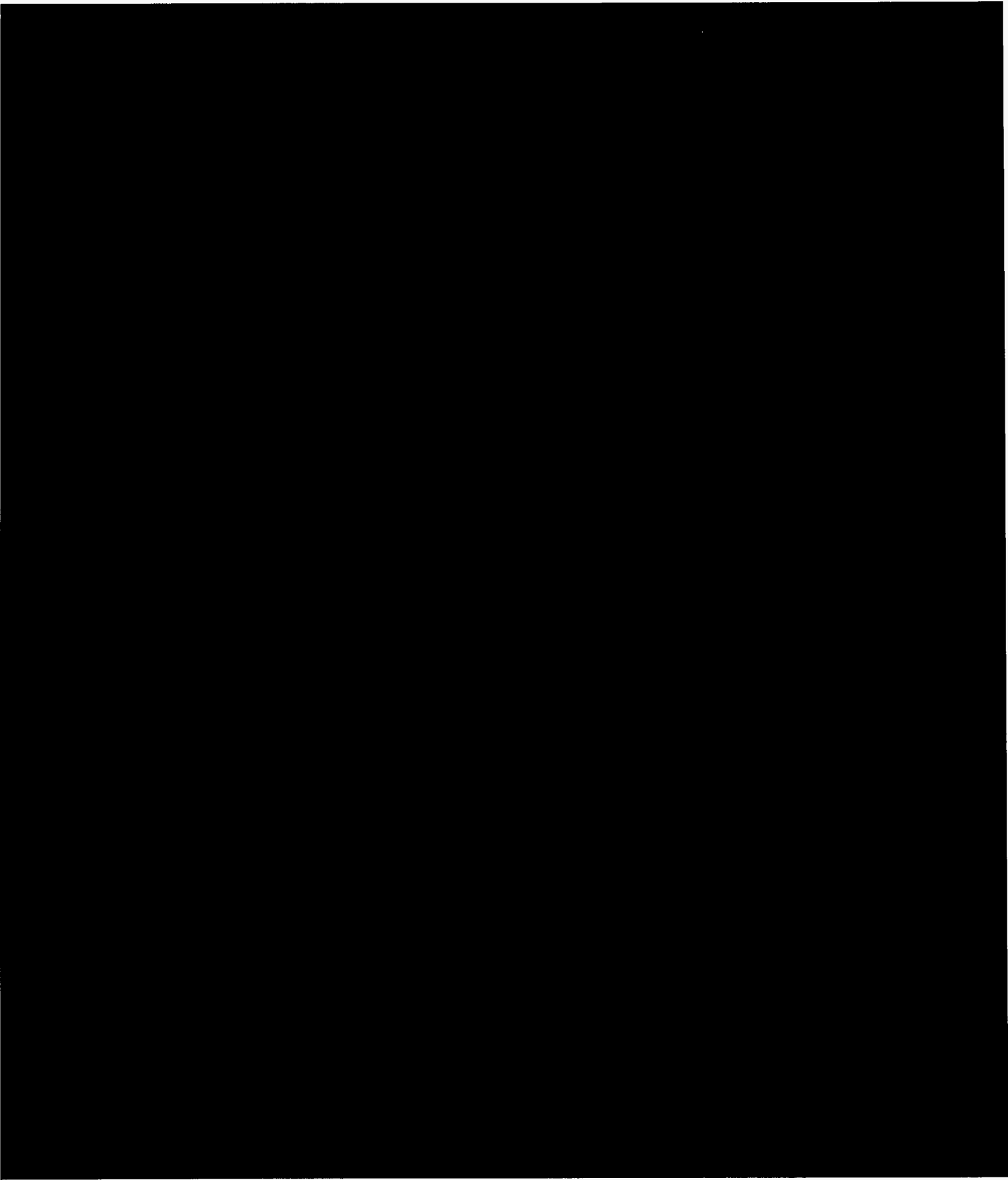
FPL286299





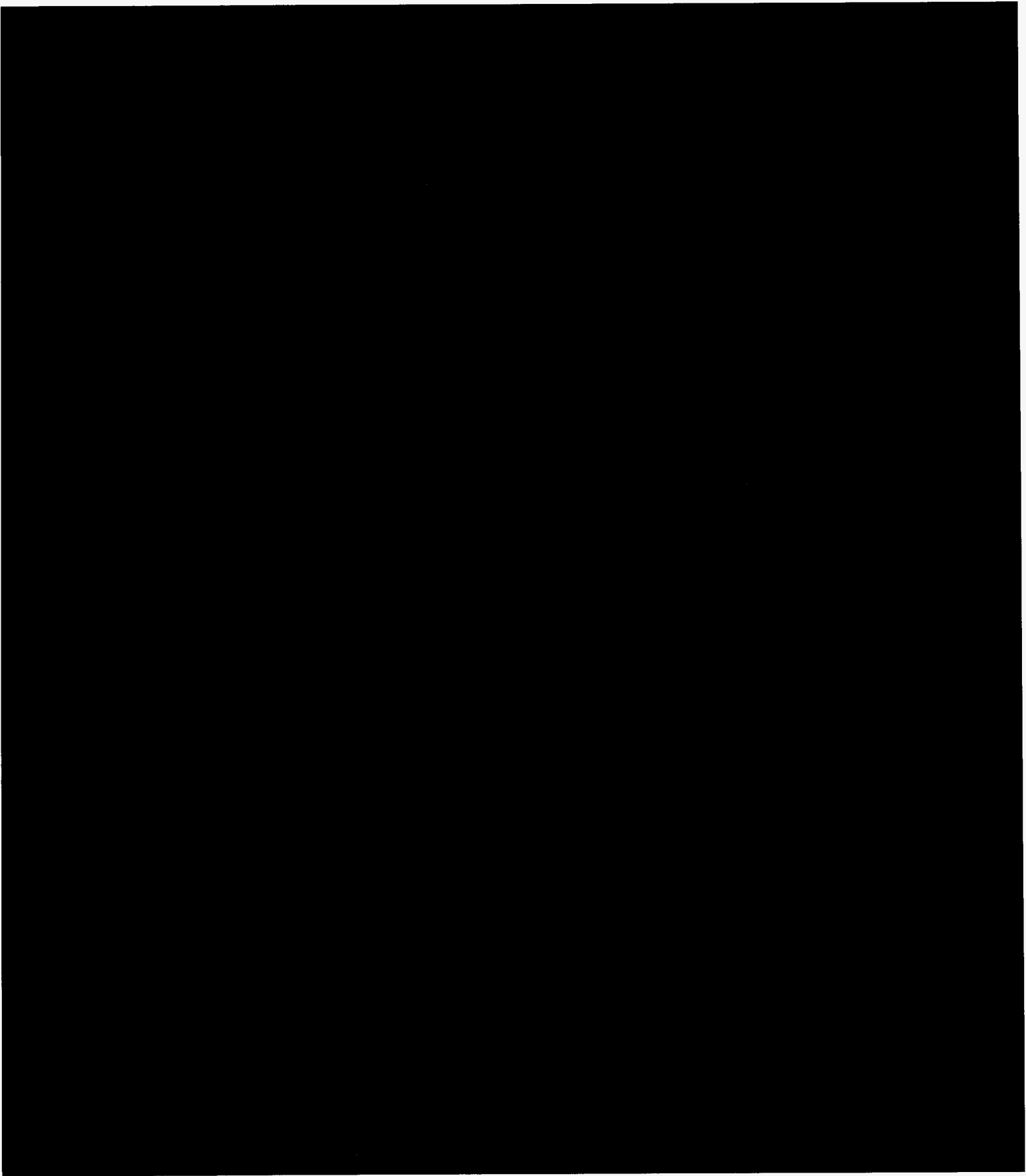
**CONFIDENTIAL**

FPL286300



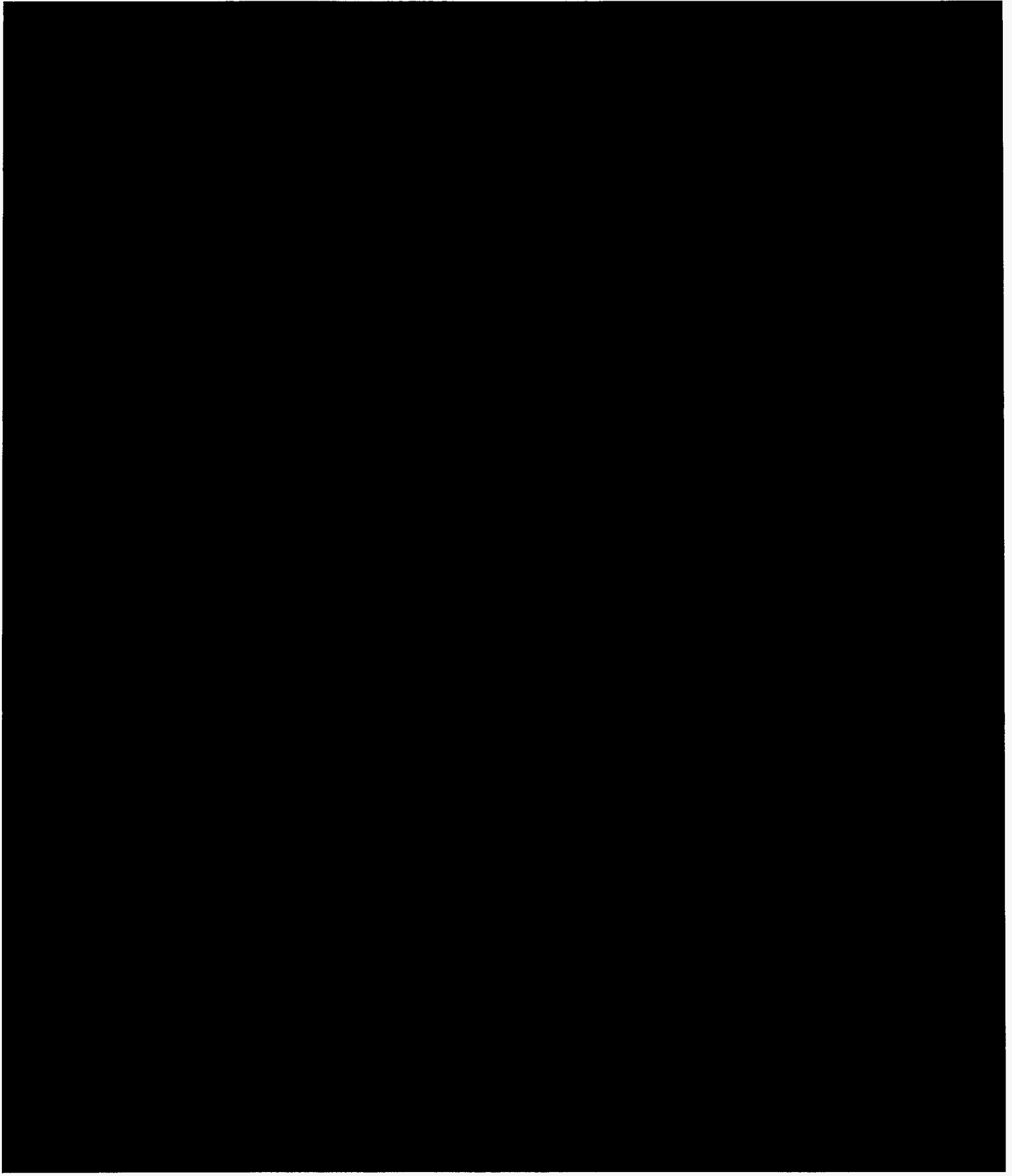
**CONFIDENTIAL**

FPL286301



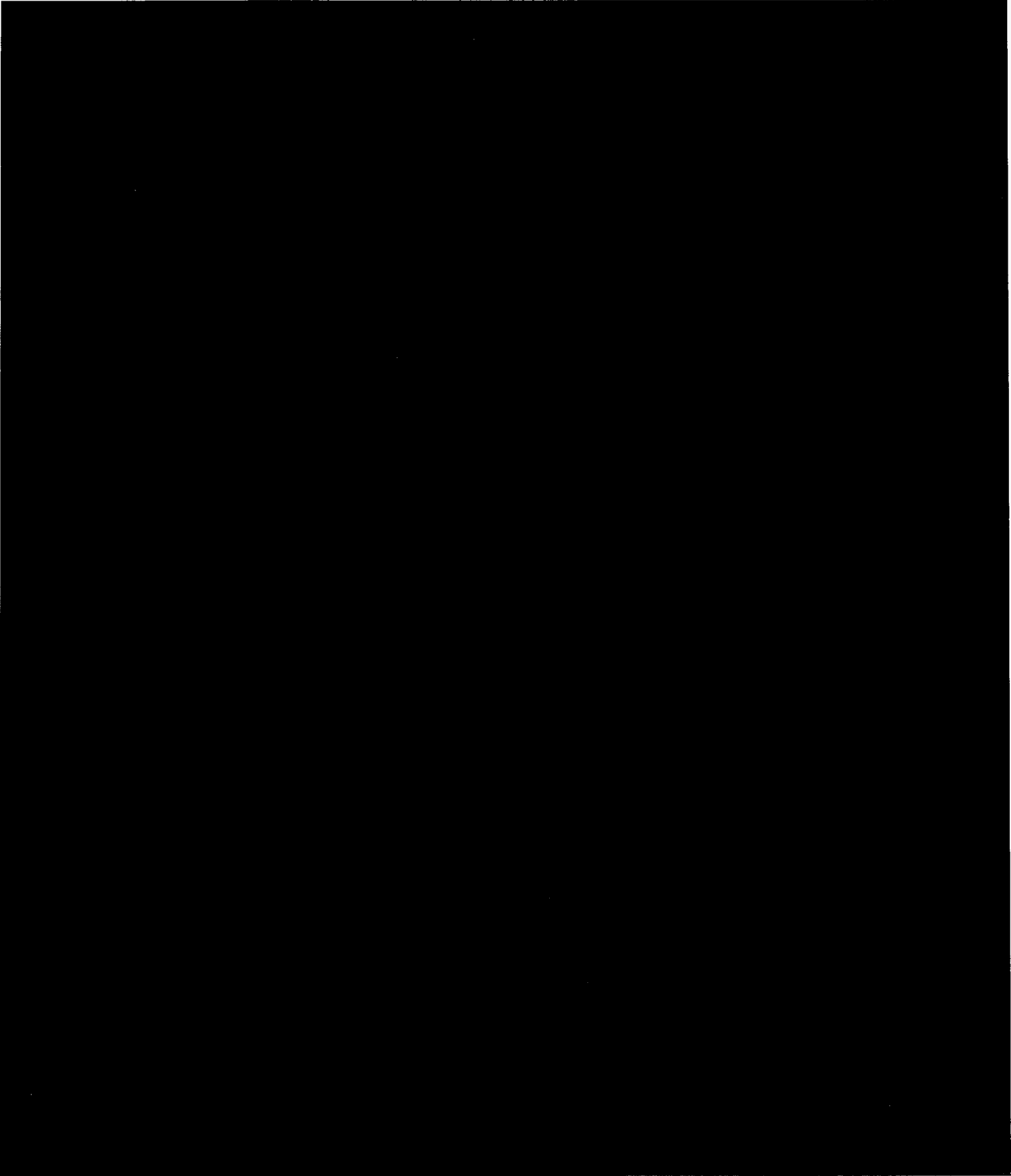
**CONFIDENTIAL**

FPL286302



**CONFIDENTIAL**

FPL286303



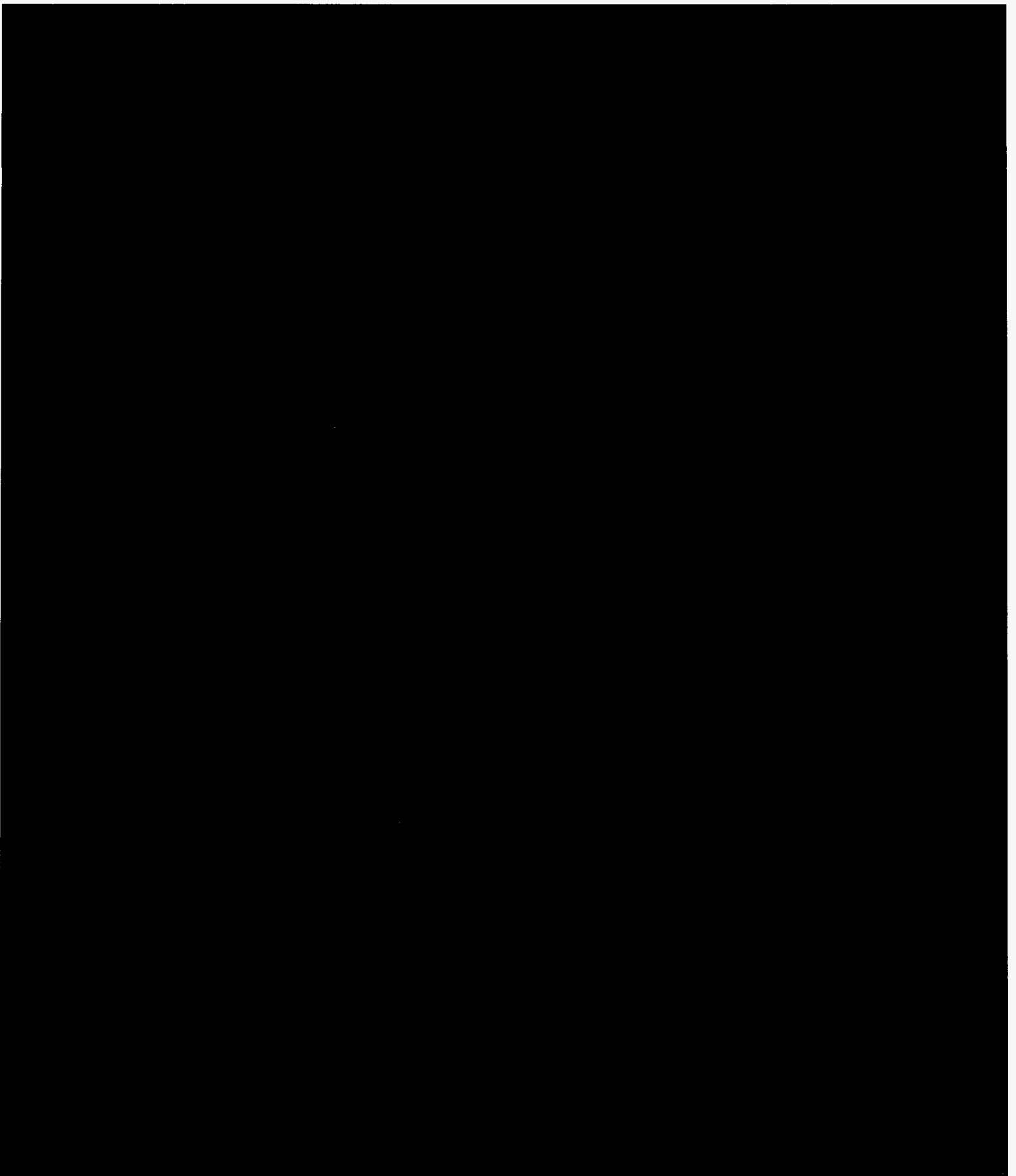
**CONFIDENTIAL**

FPL286304



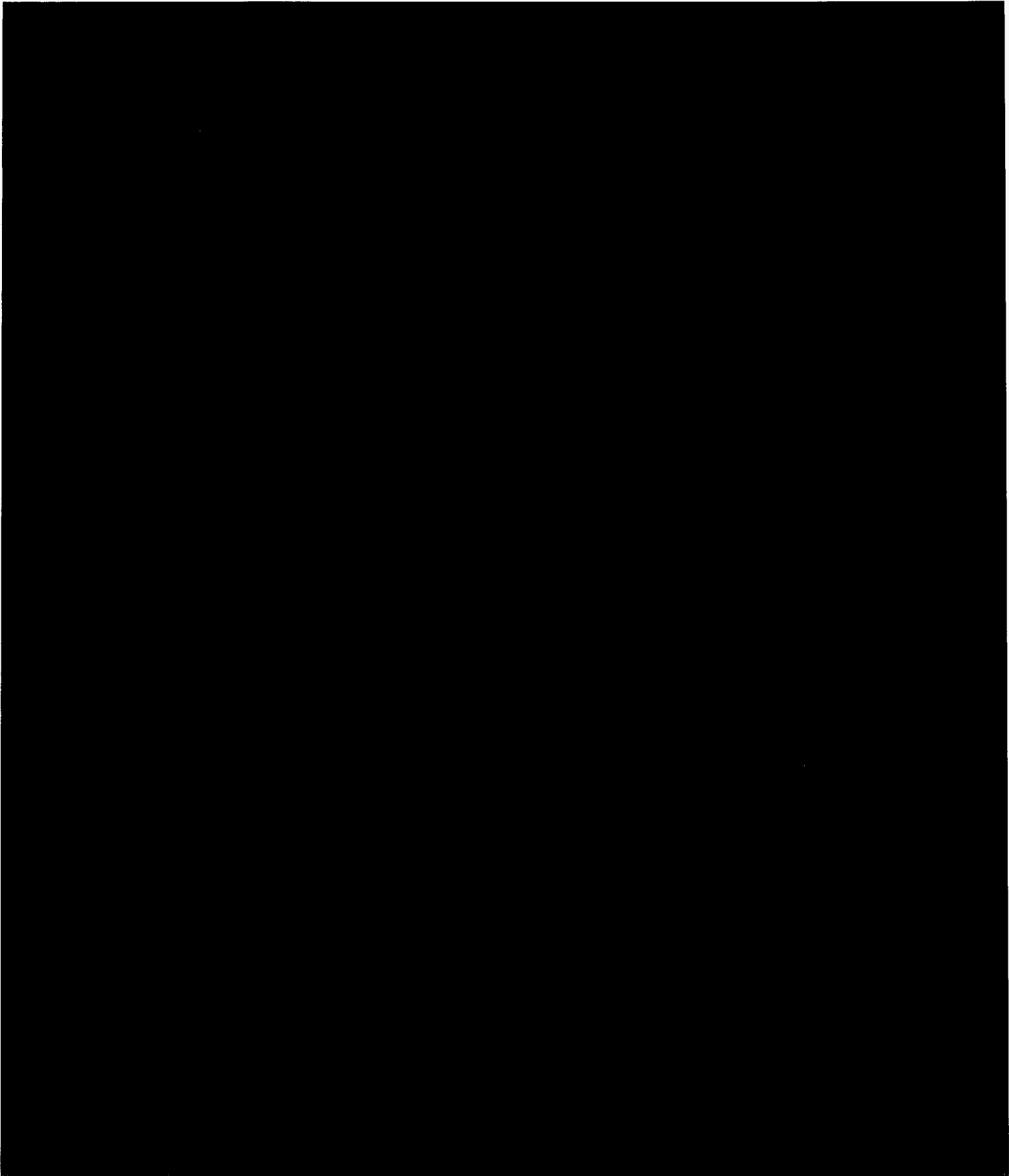
**CONFIDENTIAL**

FPL286305



**CONFIDENTIAL**

FPL286306



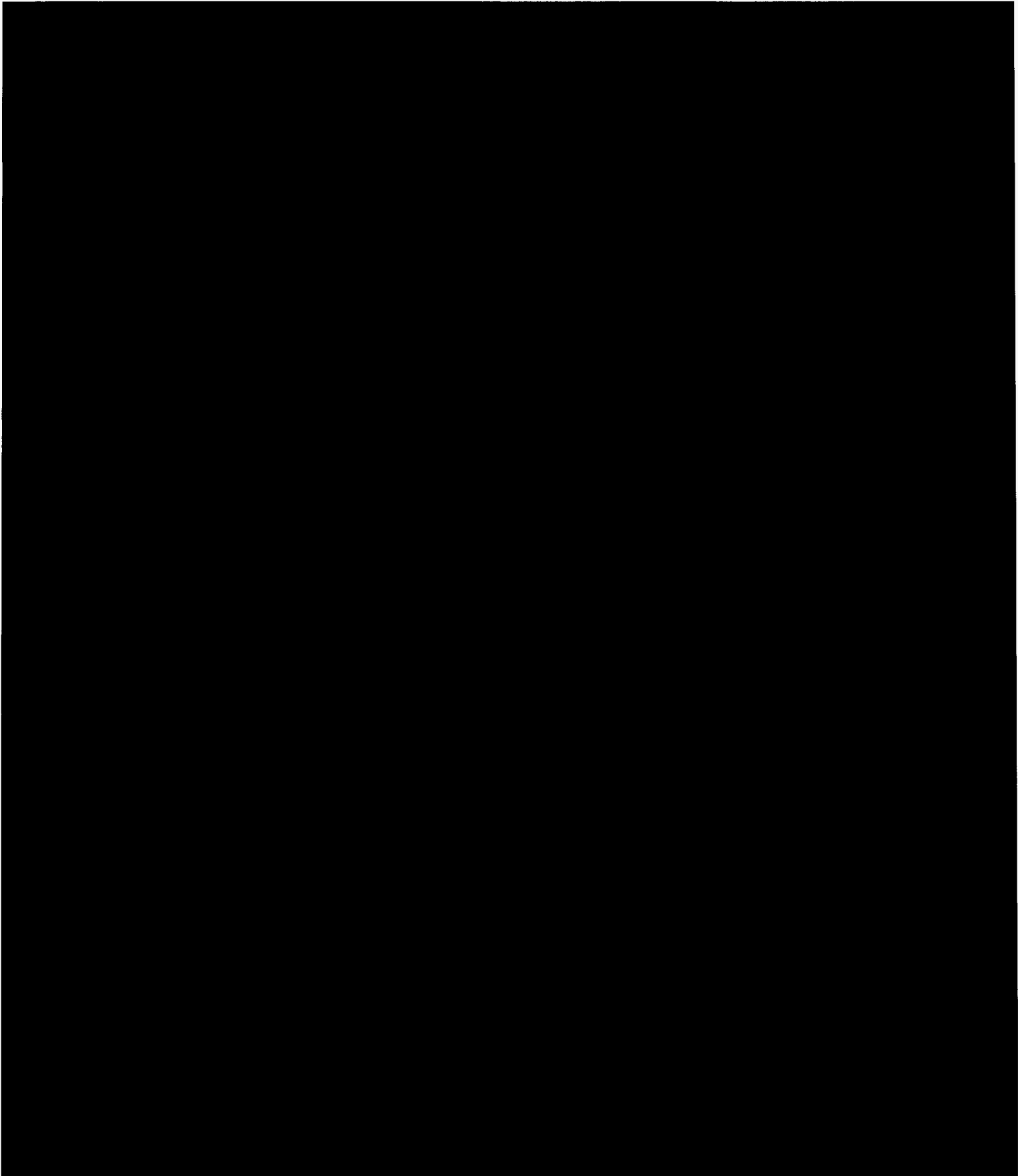
**CONFIDENTIAL**

FPL286307



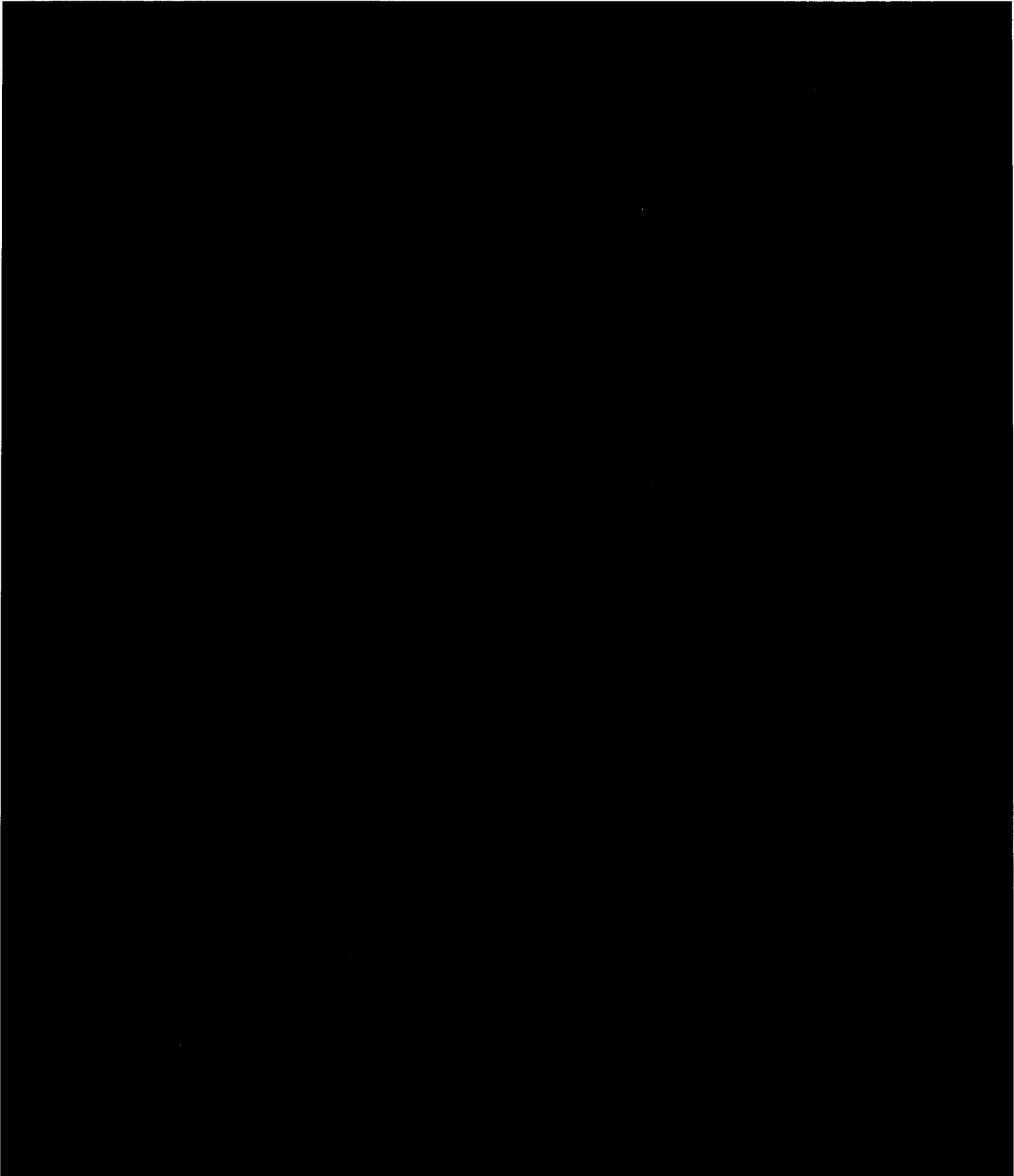
**CONFIDENTIAL**

FPL286308



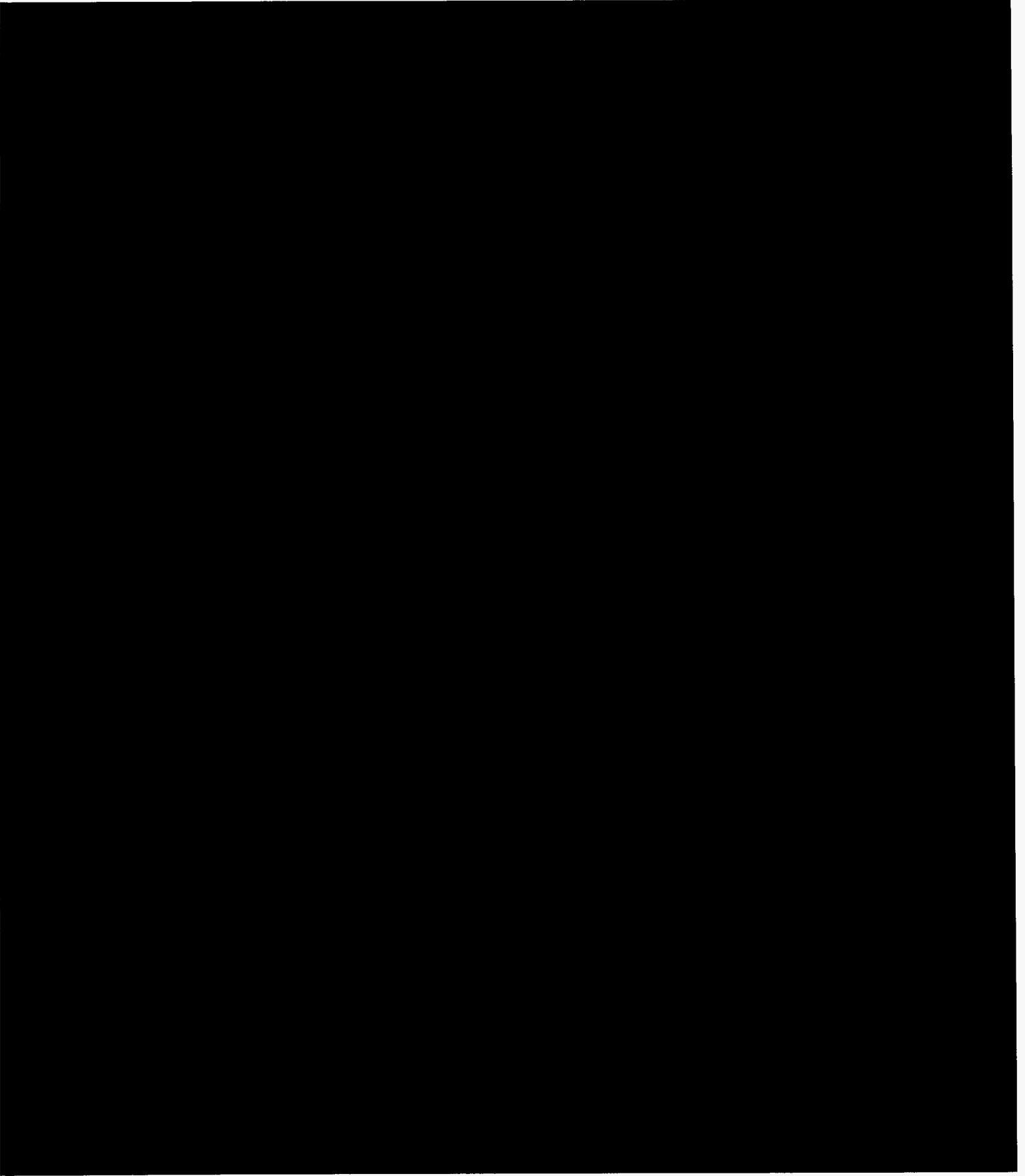
**CONFIDENTIAL**

FPL286309



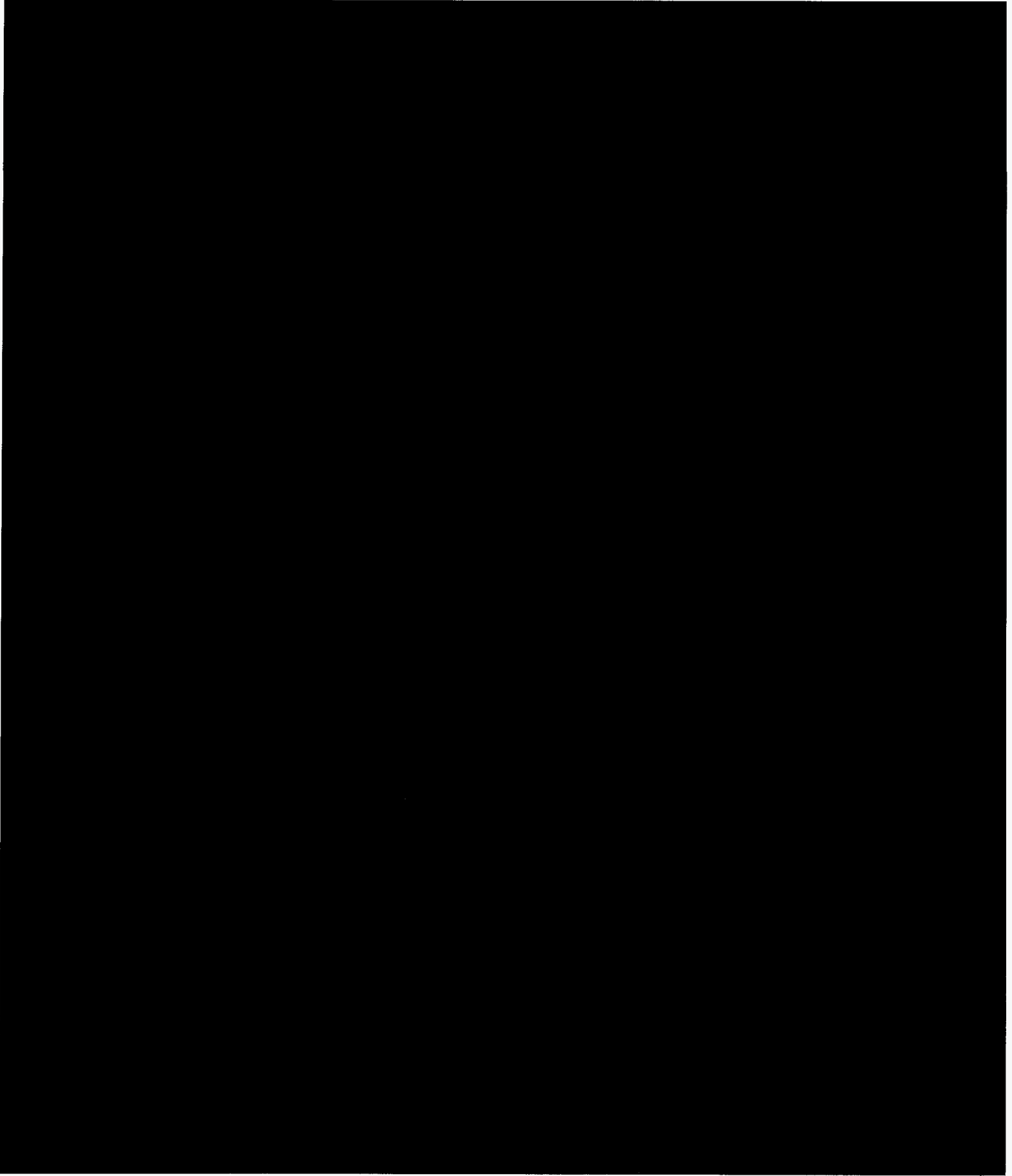
**CONFIDENTIAL**

FPL286310



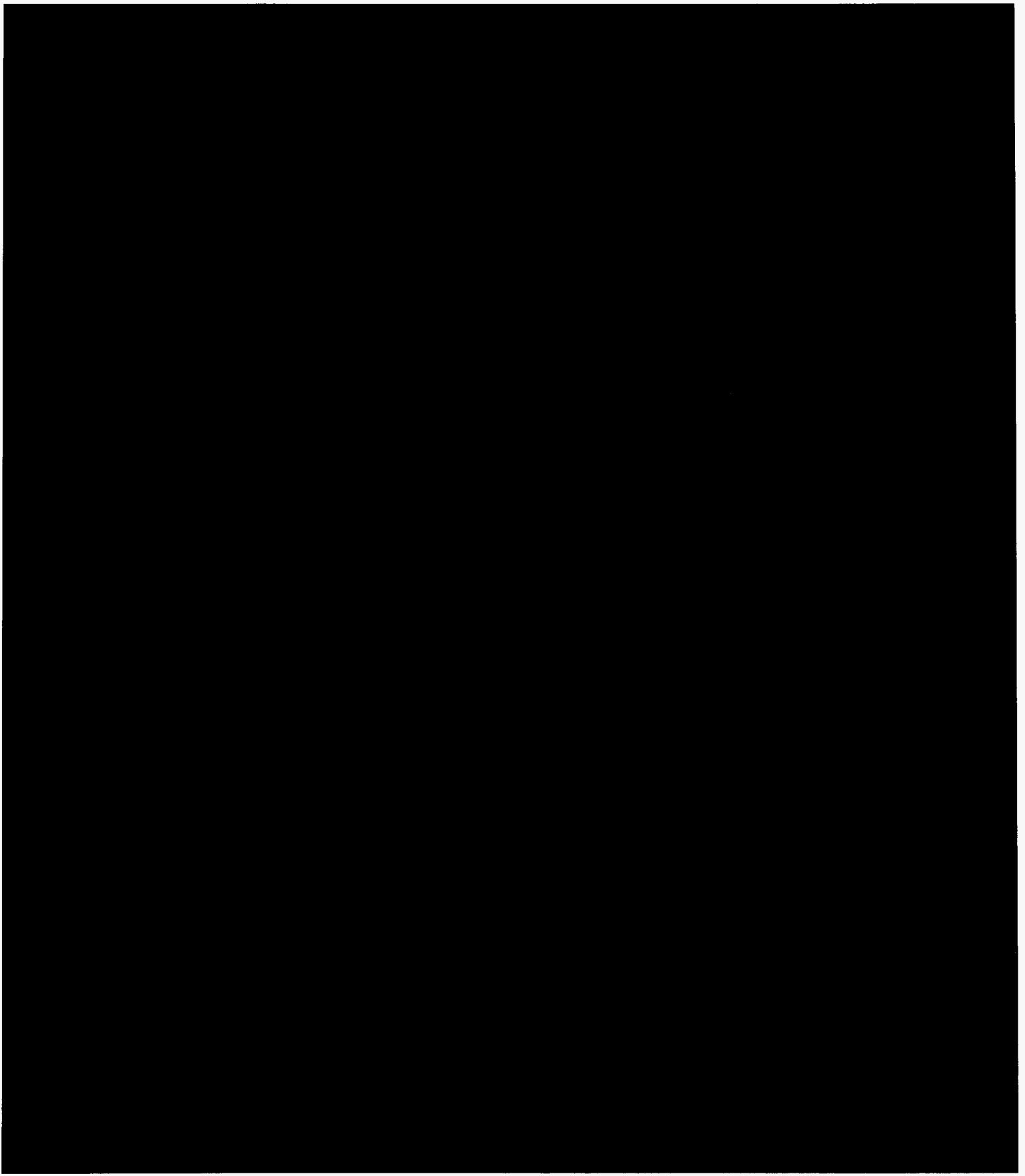
**CONFIDENTIAL**

FPL286311



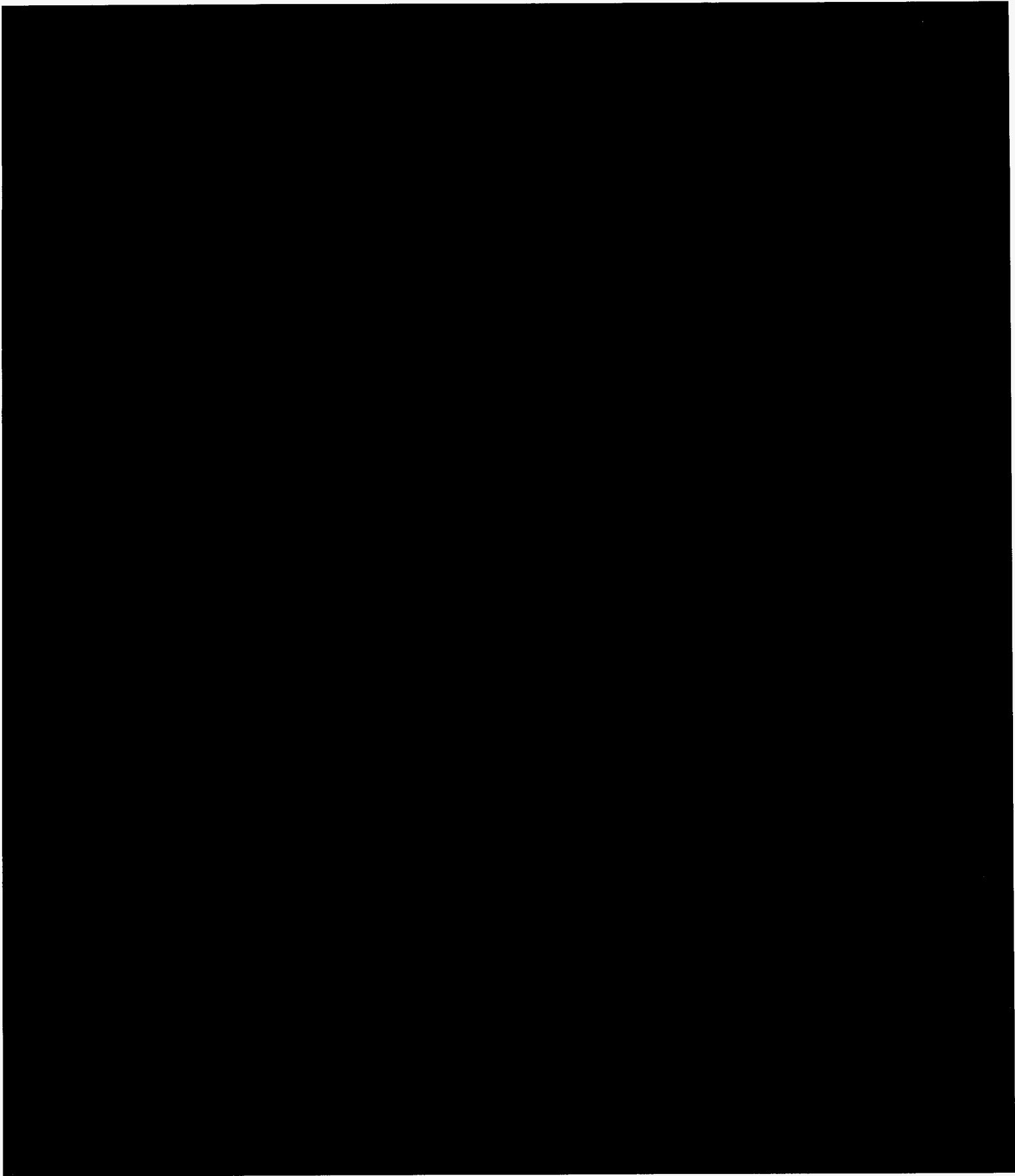
**CONFIDENTIAL**

FPL286312



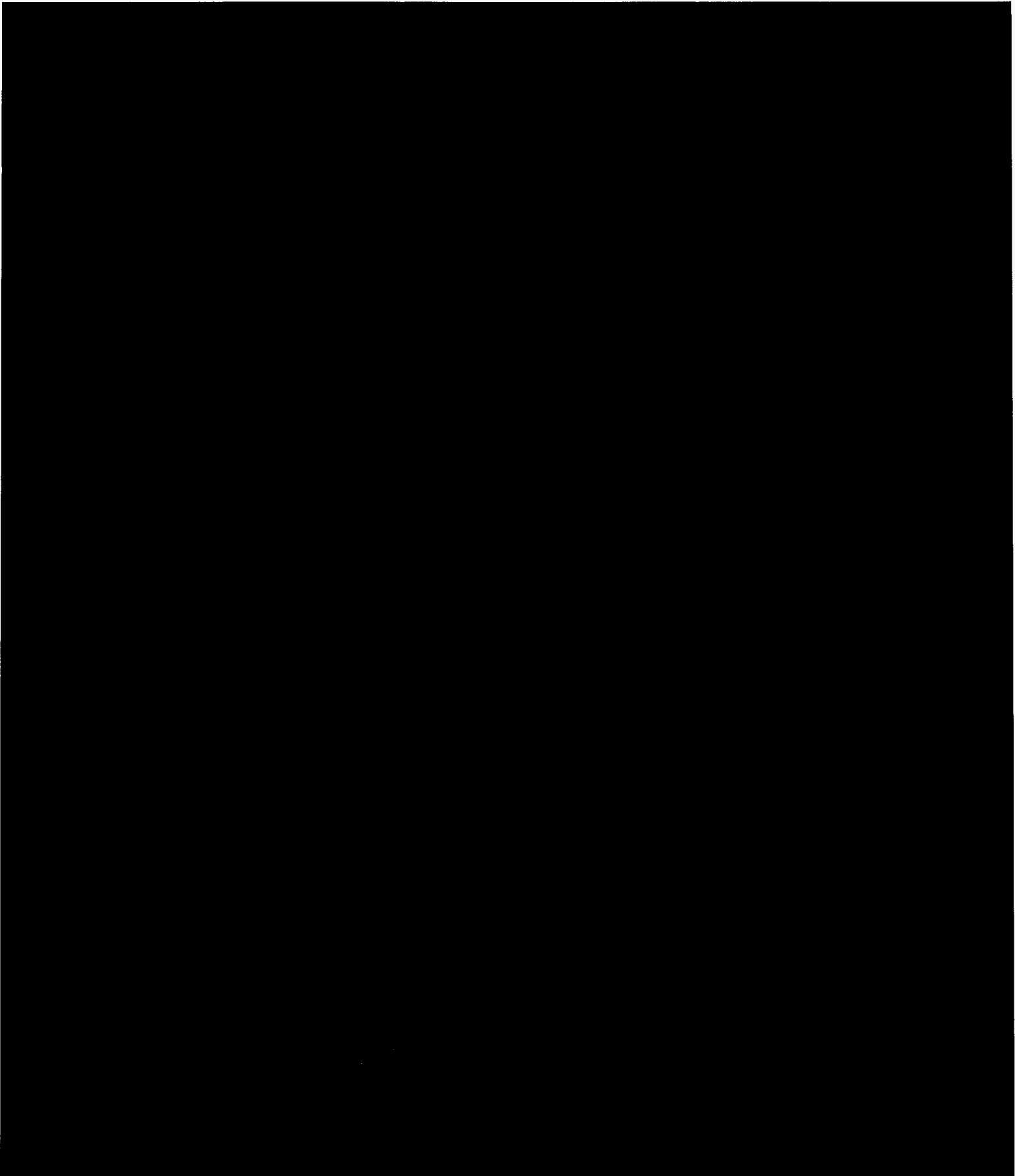
**CONFIDENTIAL**

FPL286313



**CONFIDENTIAL**

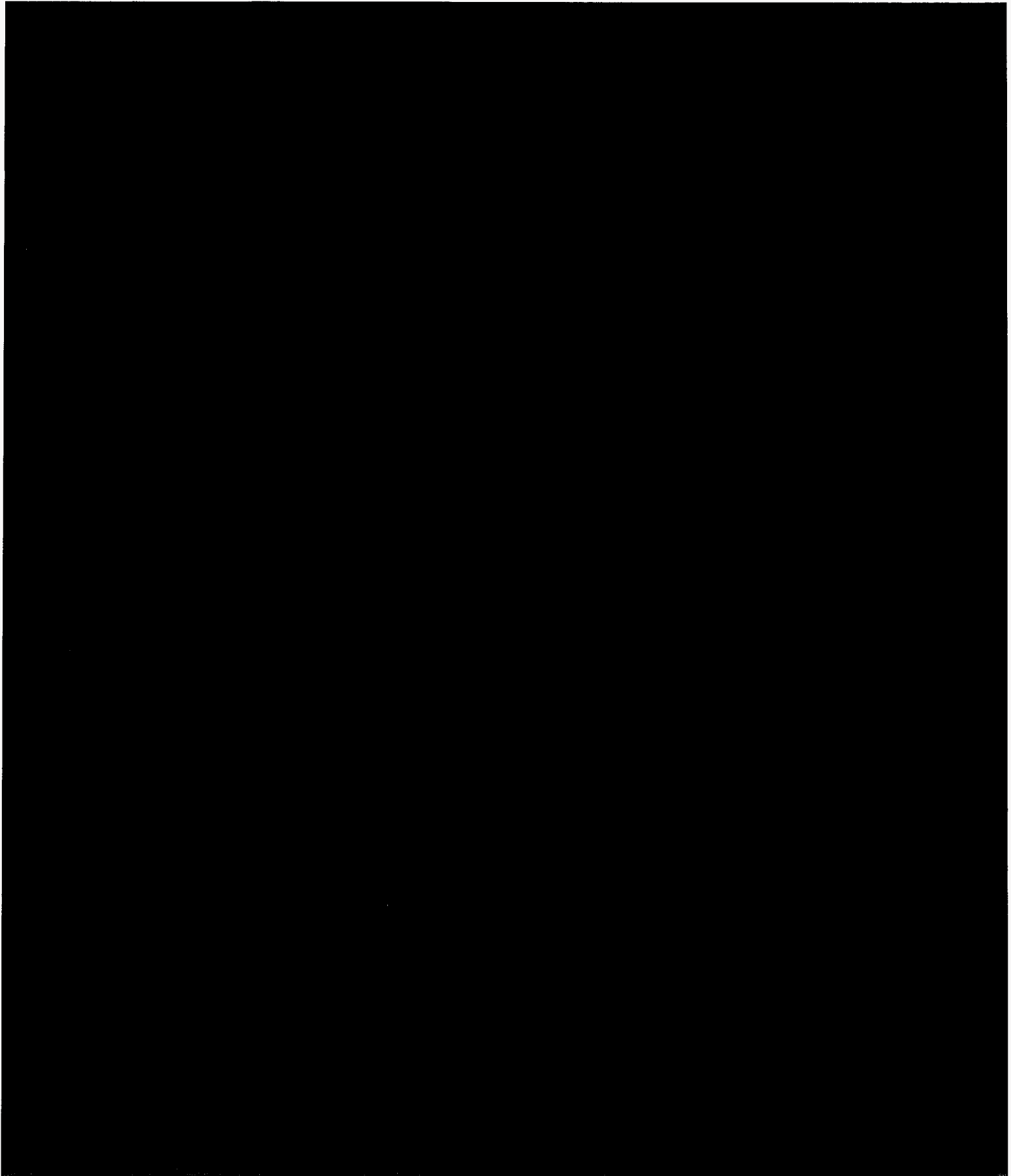
FPL286314



**CONFIDENTIAL**

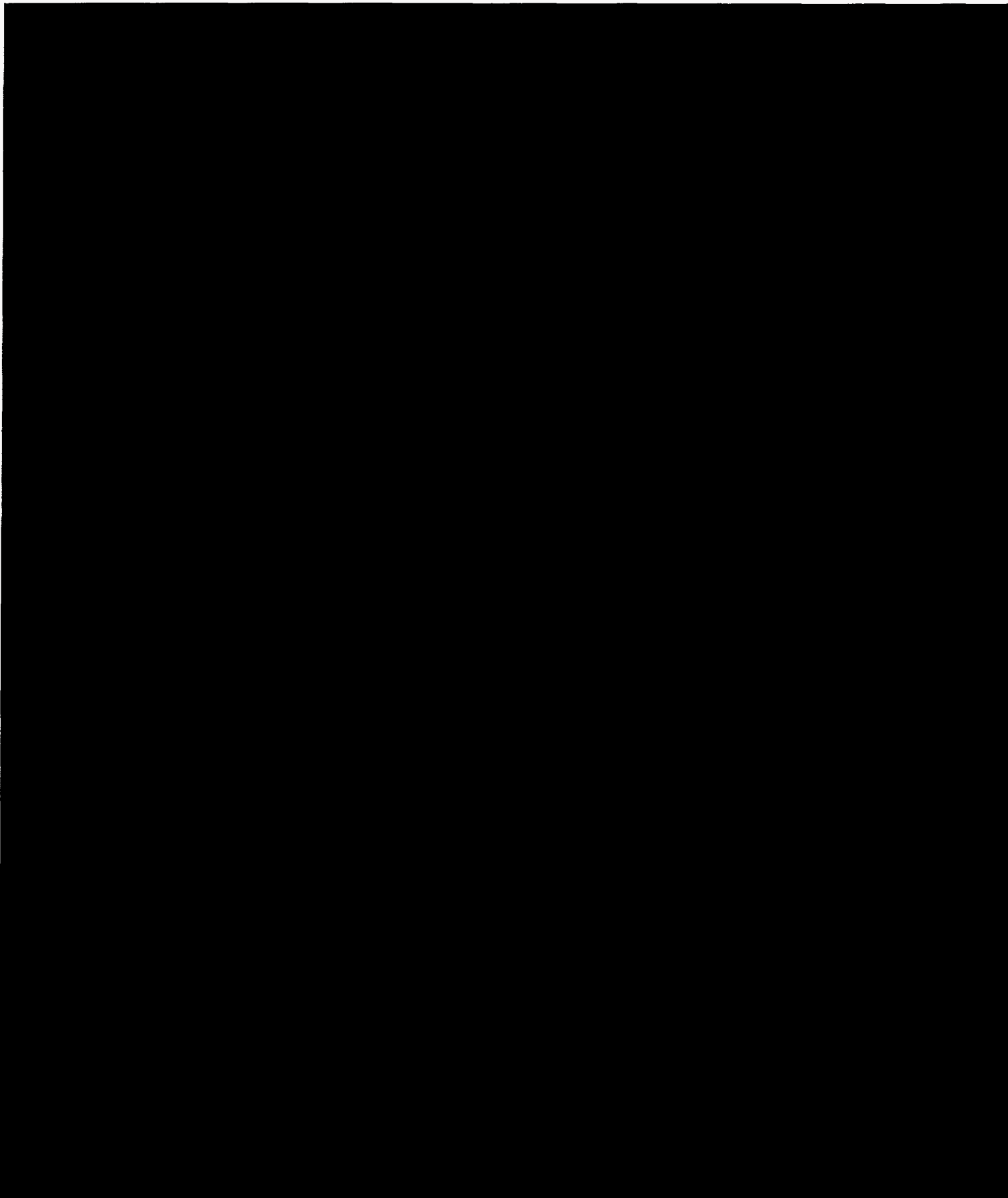
FPL286315





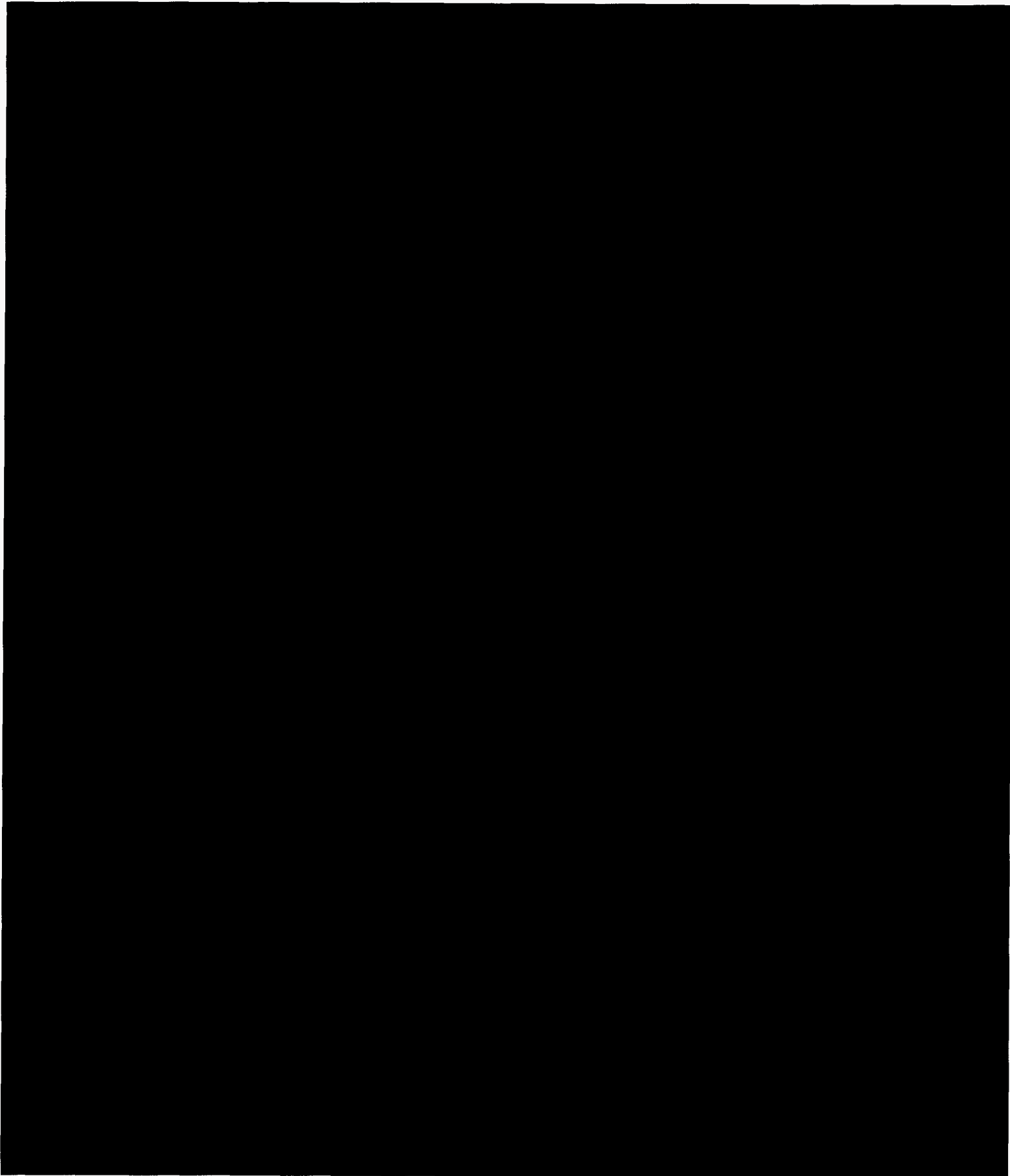
**CONFIDENTIAL**

FPL286316



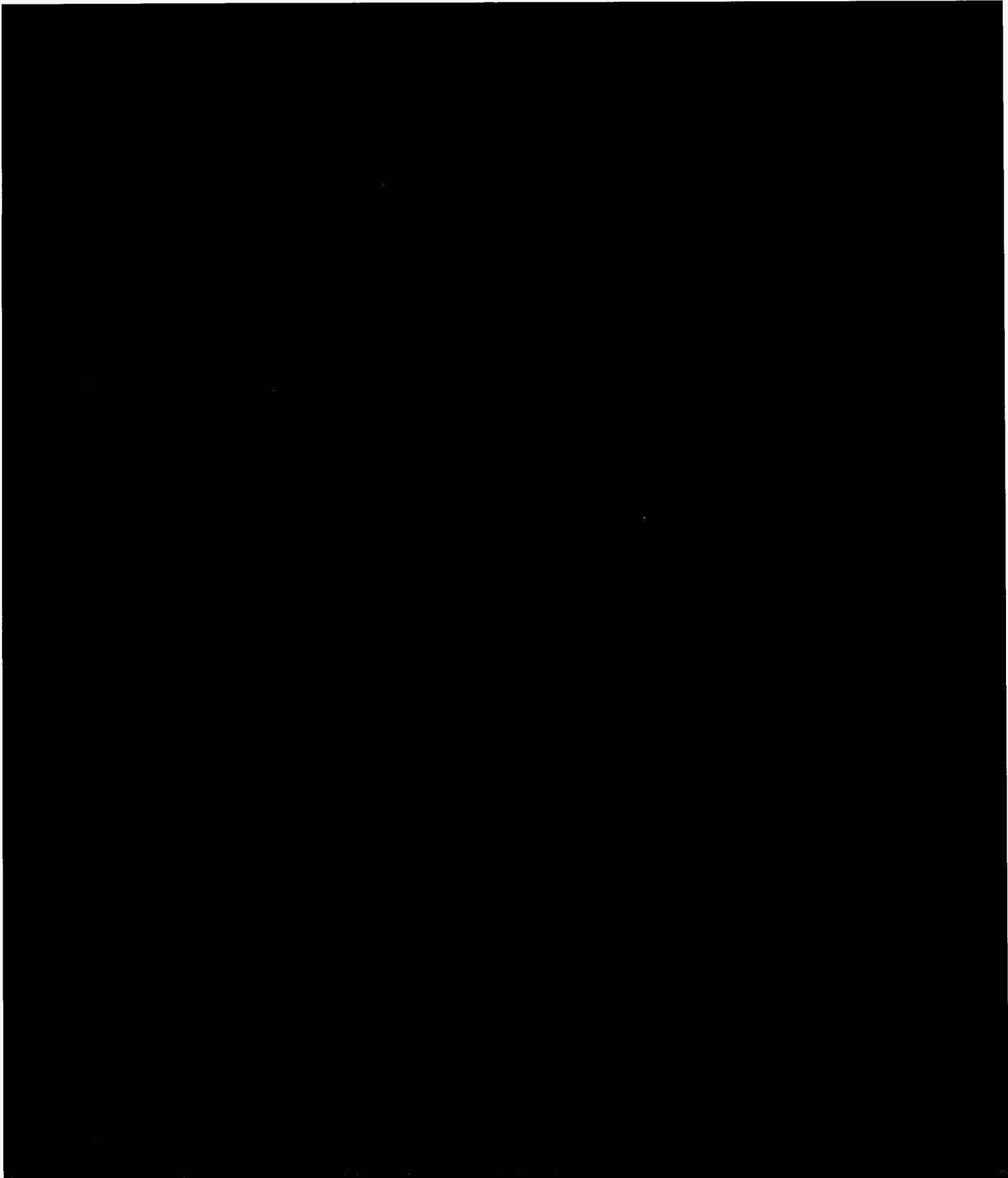
**CONFIDENTIAL**

FPL286317



**CONFIDENTIAL**

FPL286318

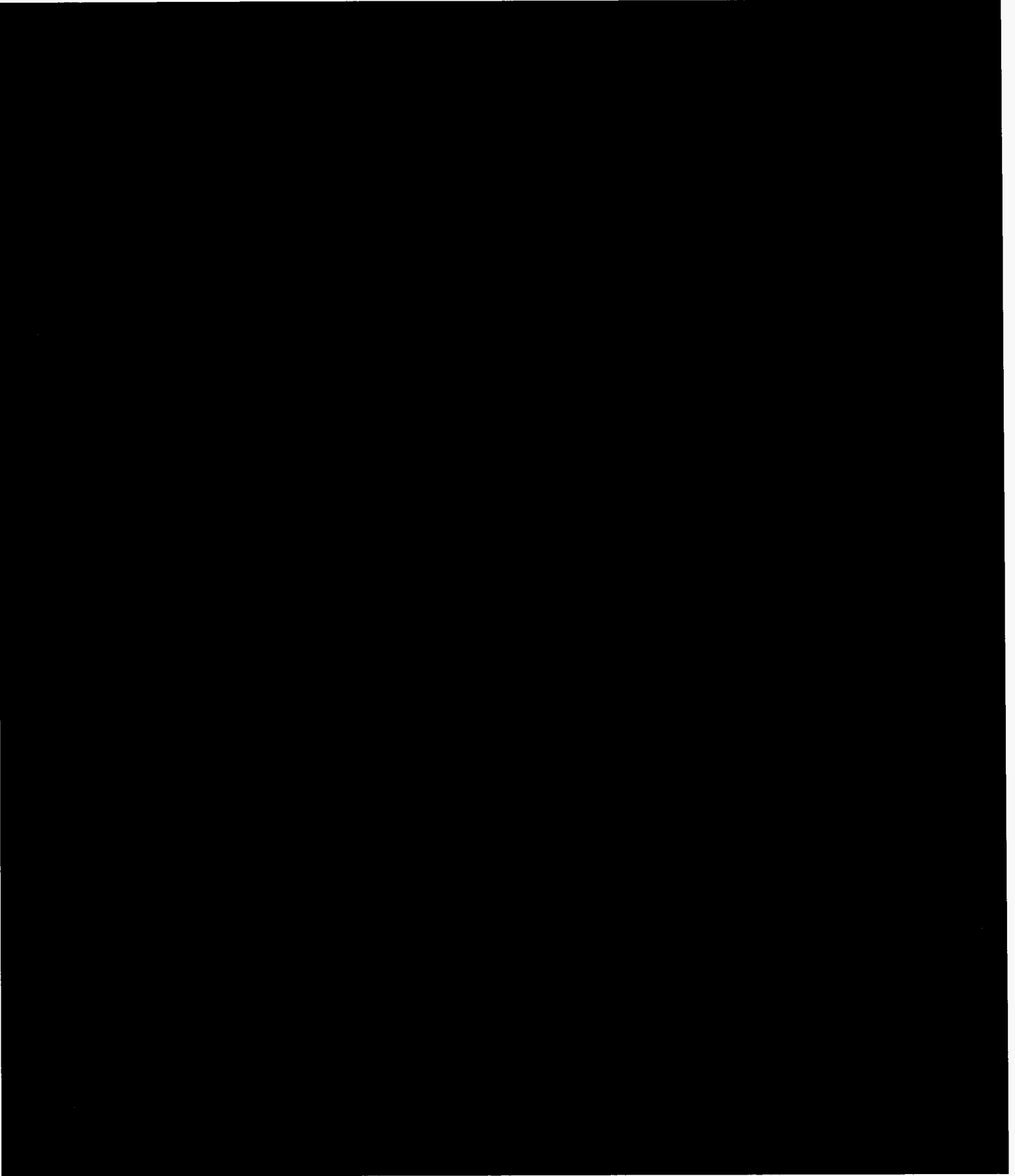


**CONFIDENTIAL**

FPL286319

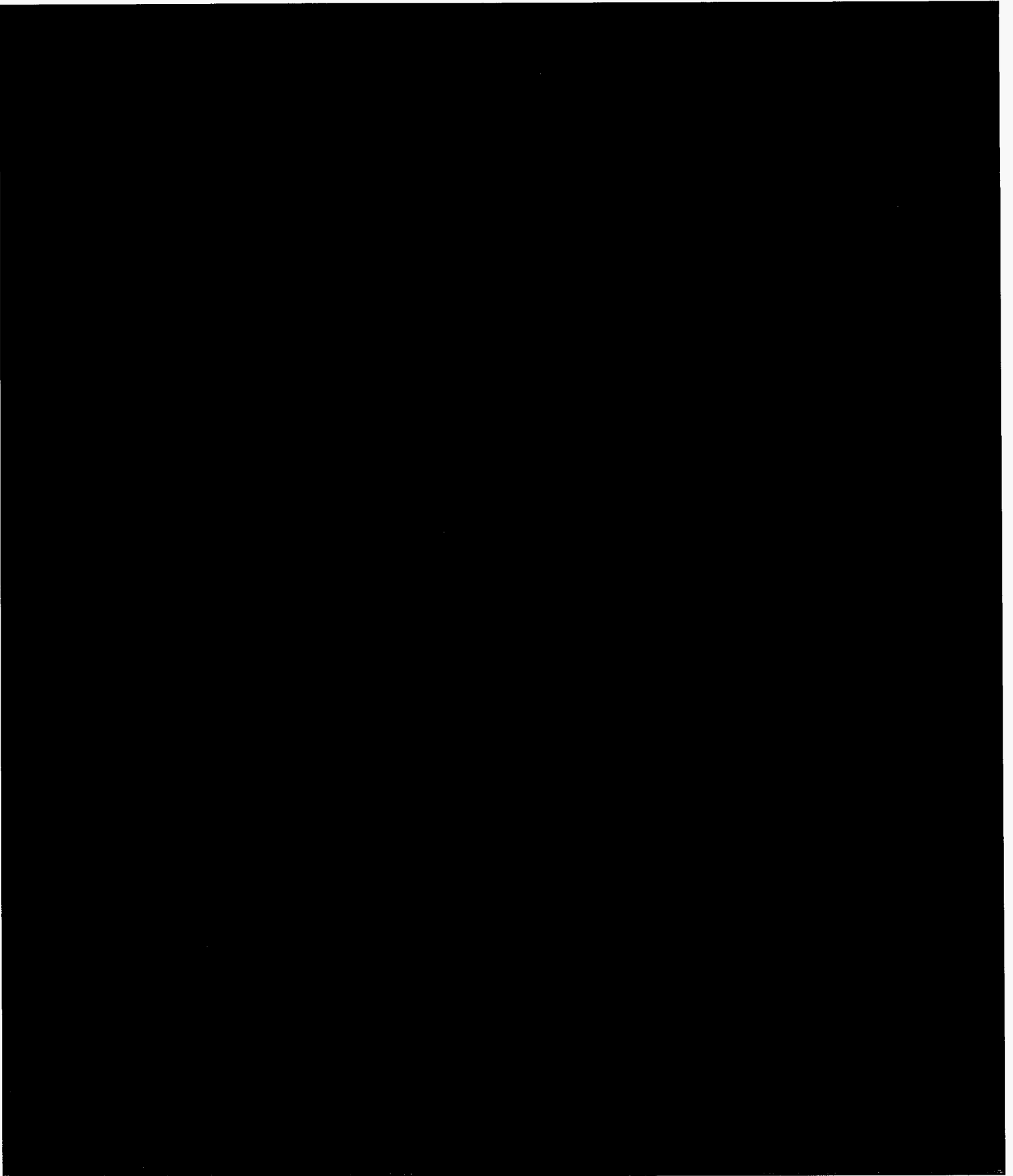
**CONFIDENTIAL**

FPL286320



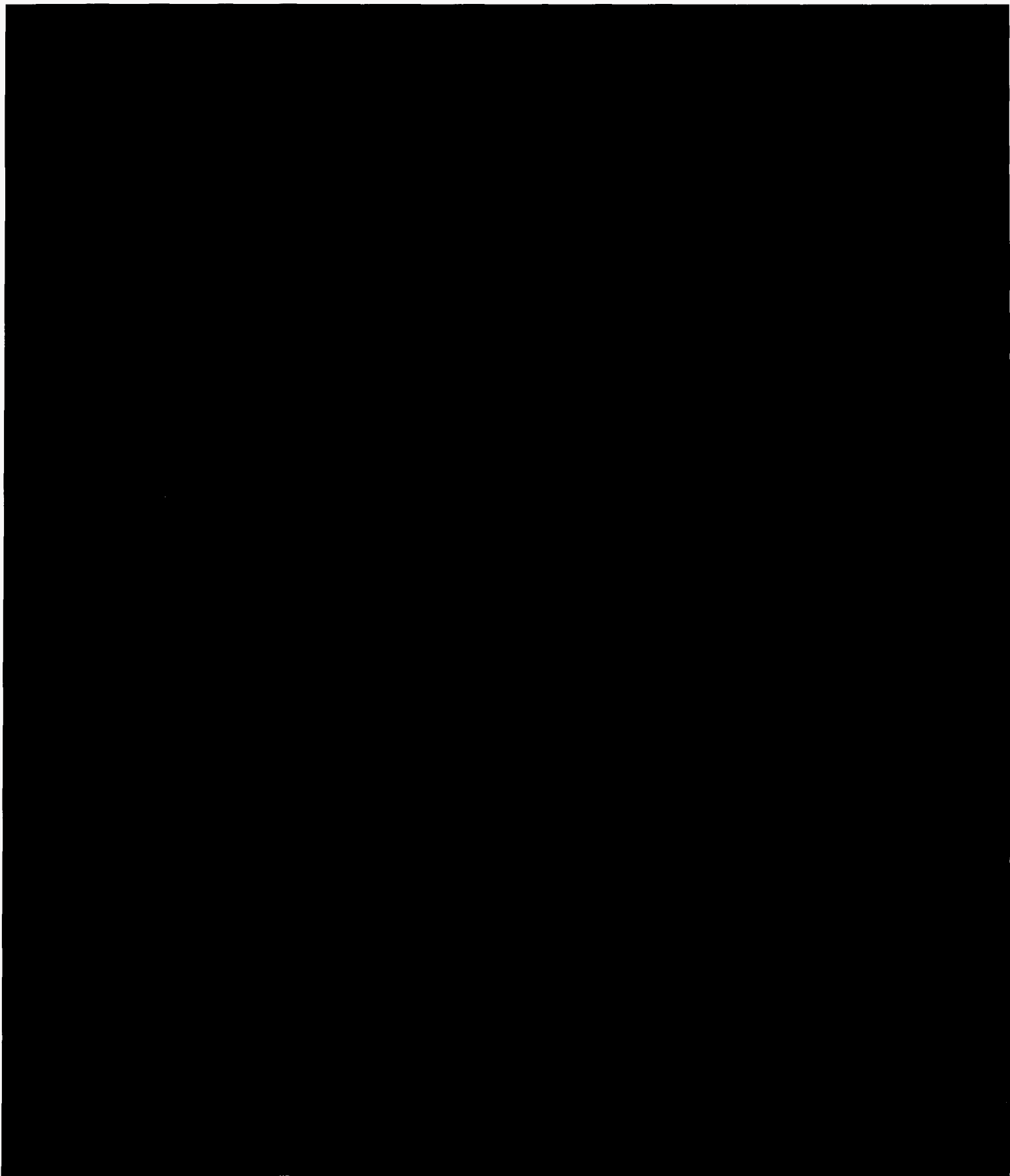
**CONFIDENTIAL**

FPL286321



**CONFIDENTIAL**

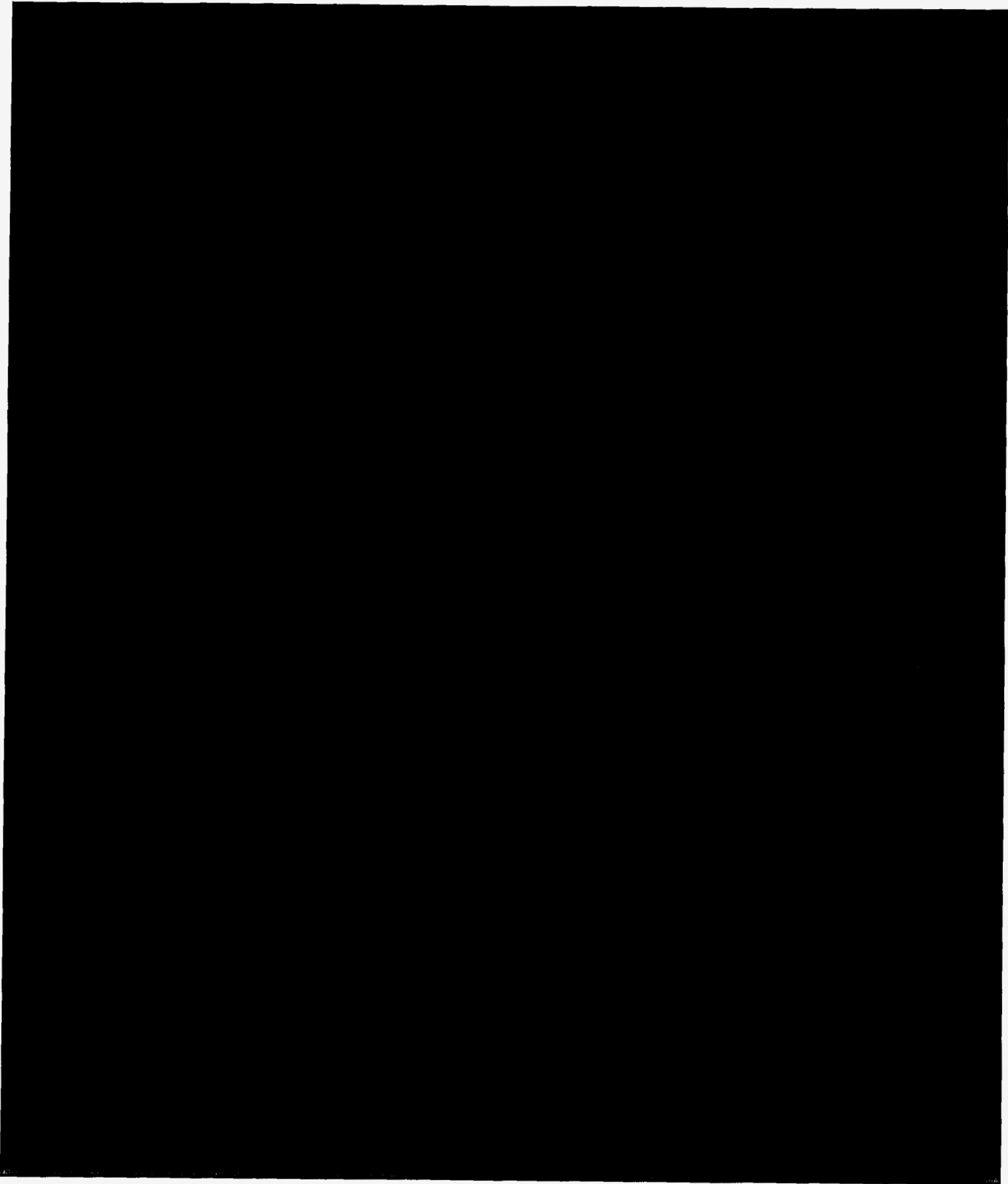
FPL286322



**CONFIDENTIAL**

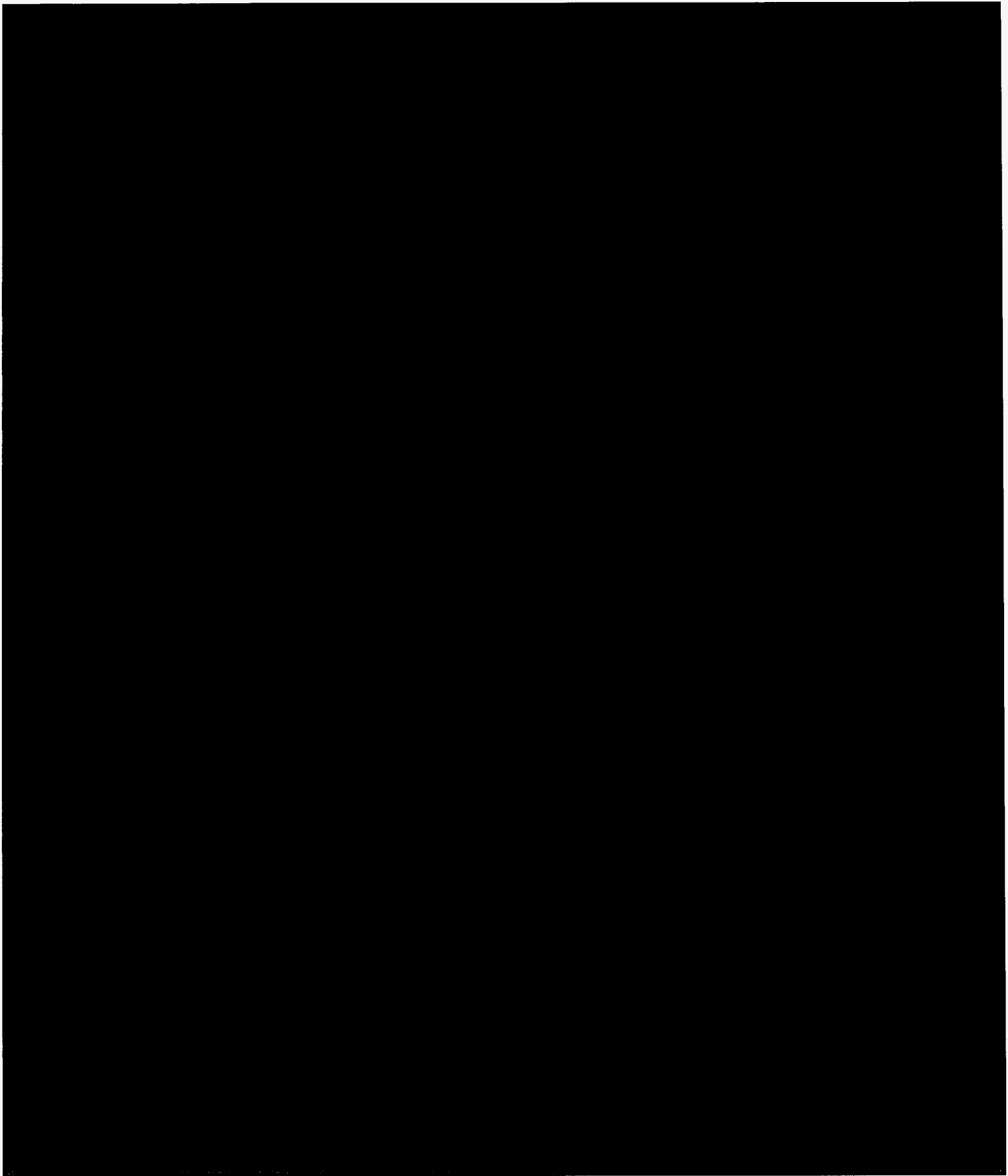
FPL286323





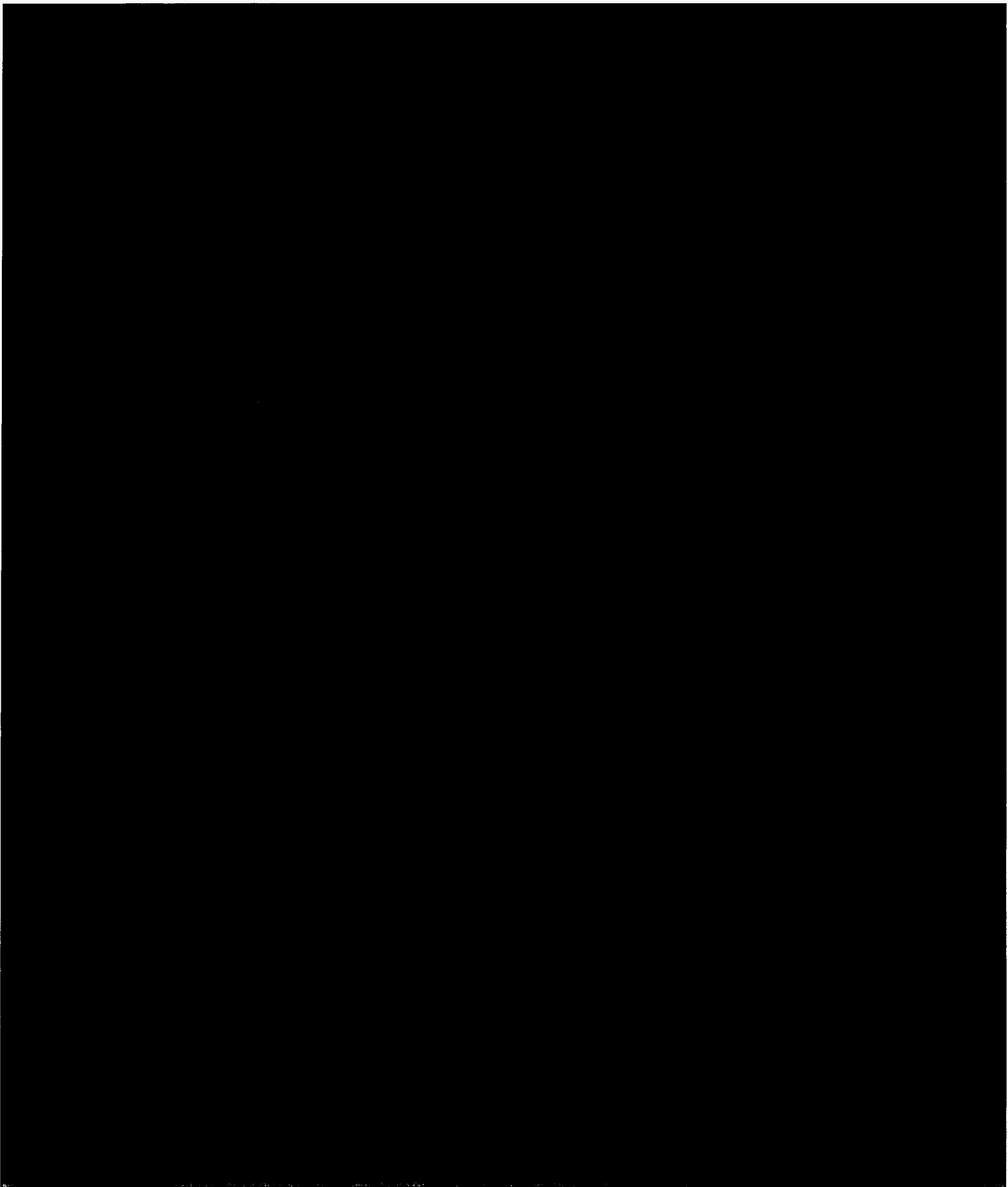
**CONFIDENTIAL**

FPL286324



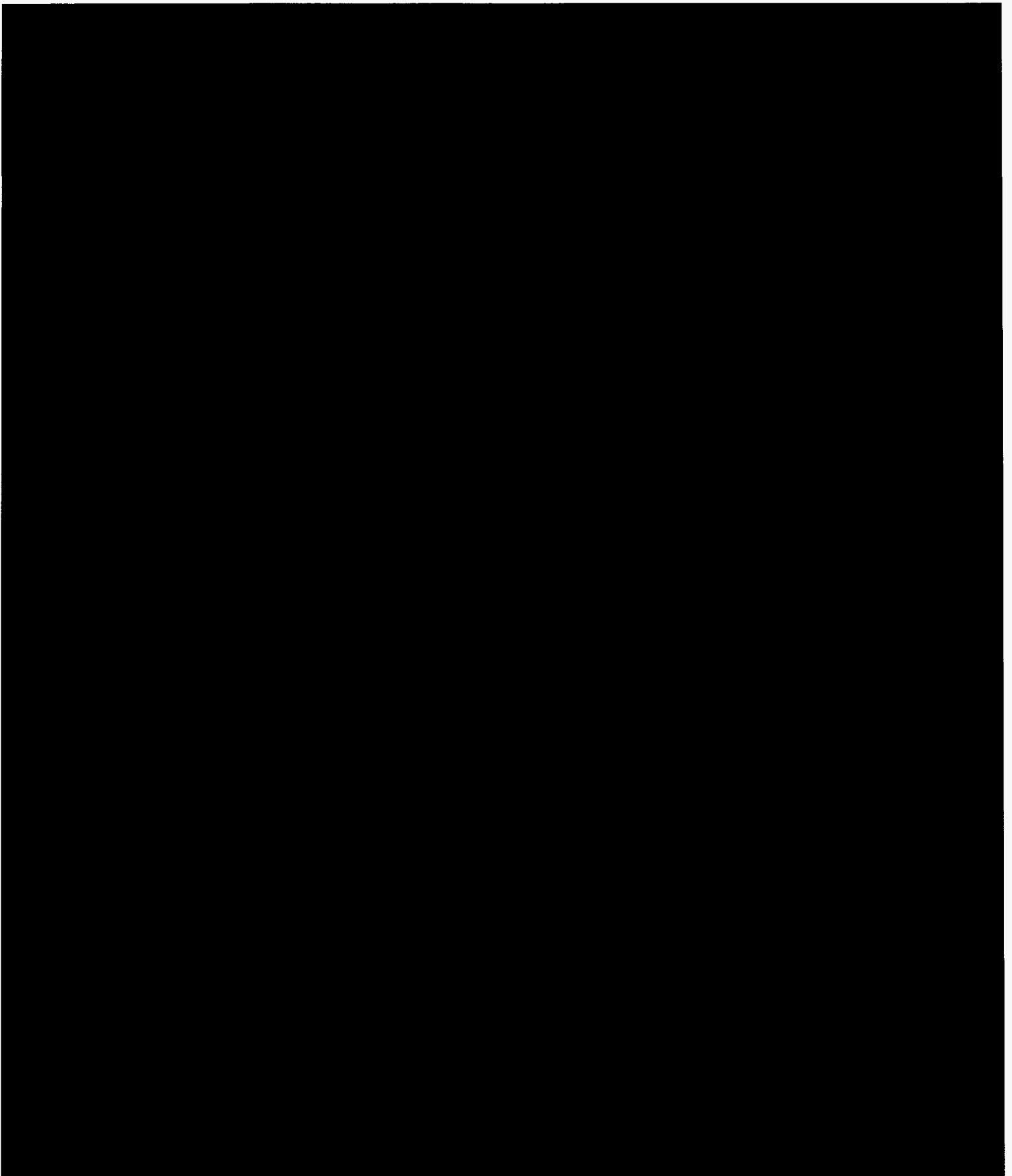
**CONFIDENTIAL**

FPL286325



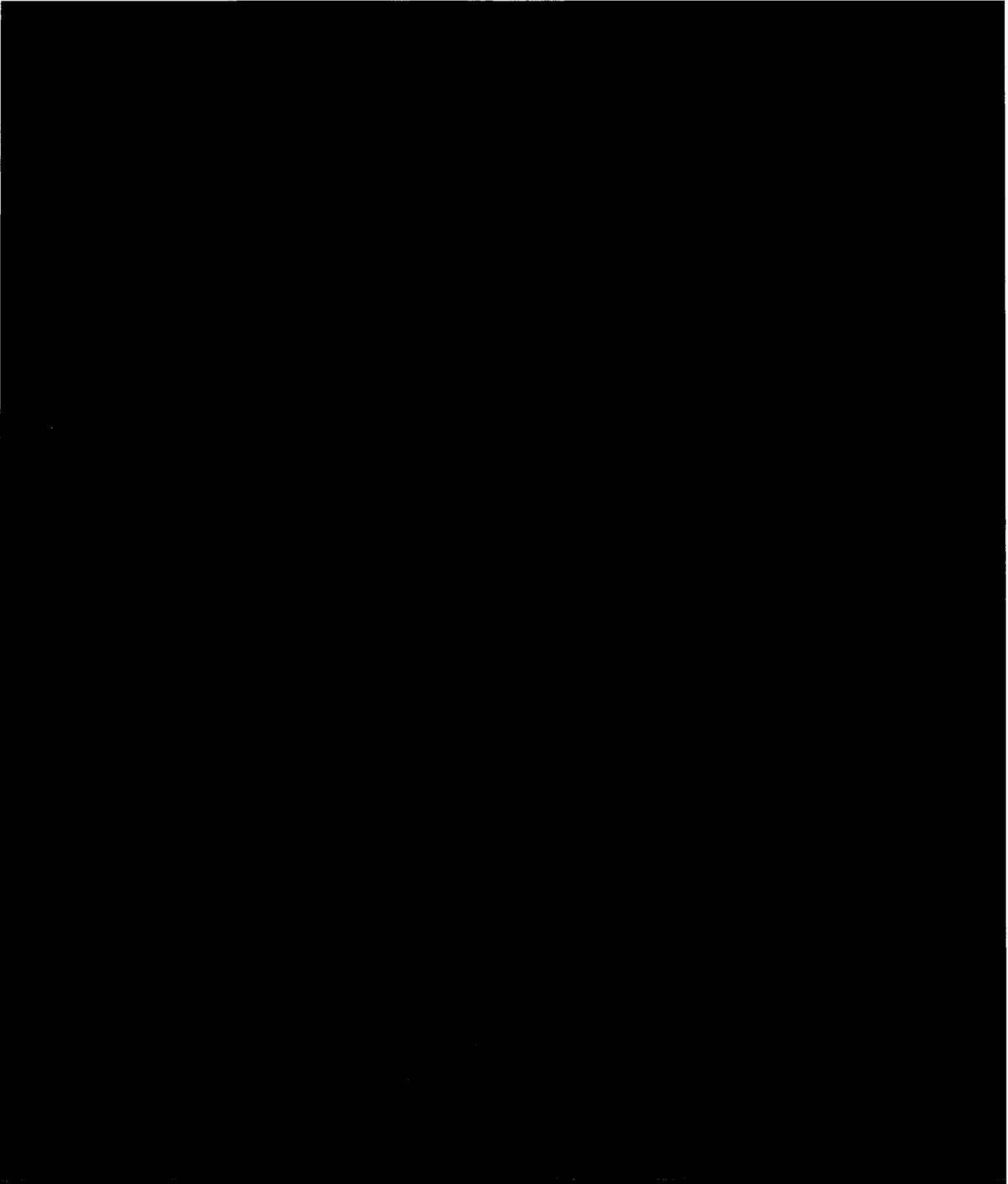
**CONFIDENTIAL**

FPL286326



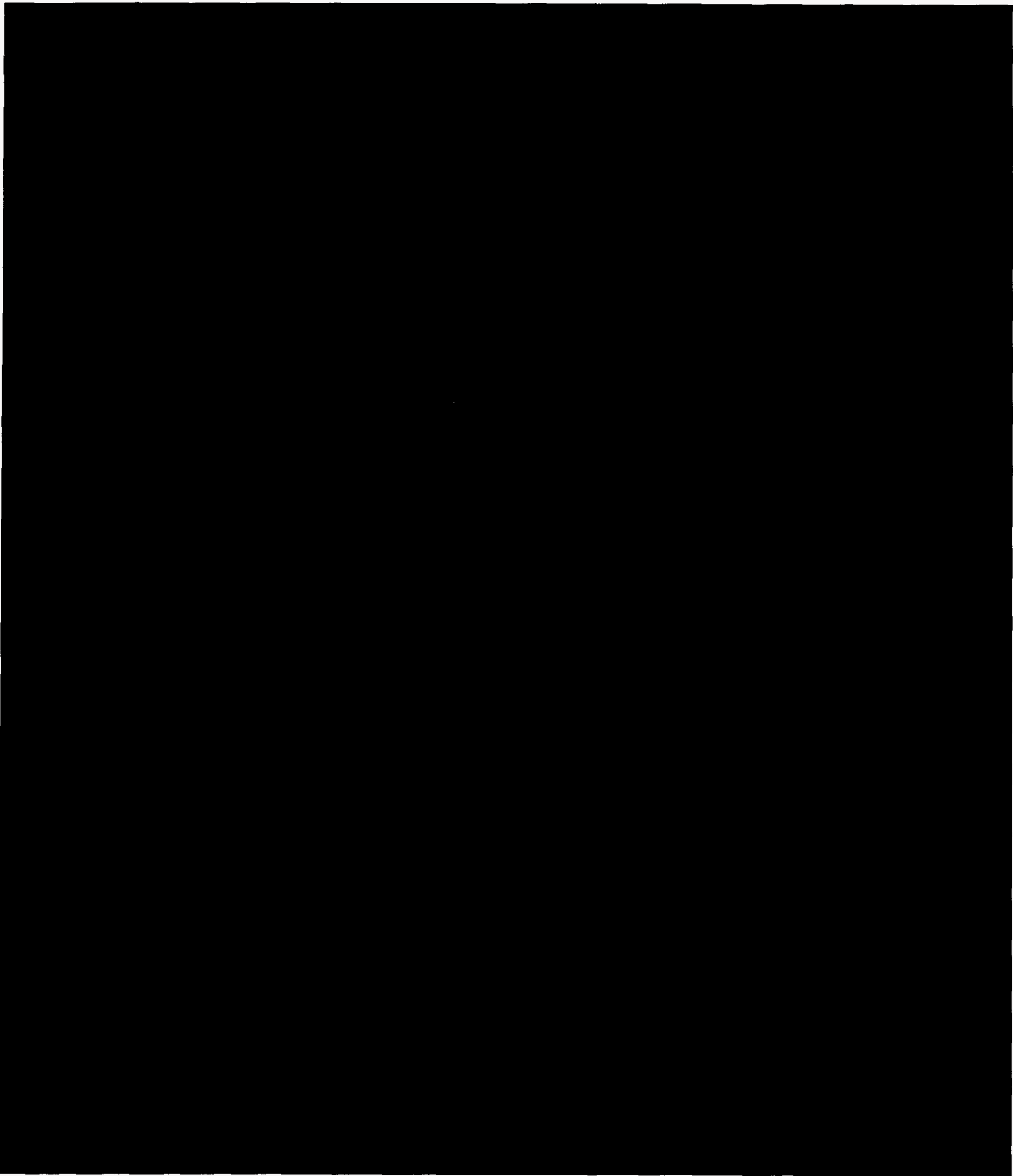
**CONFIDENTIAL**

FPL286327



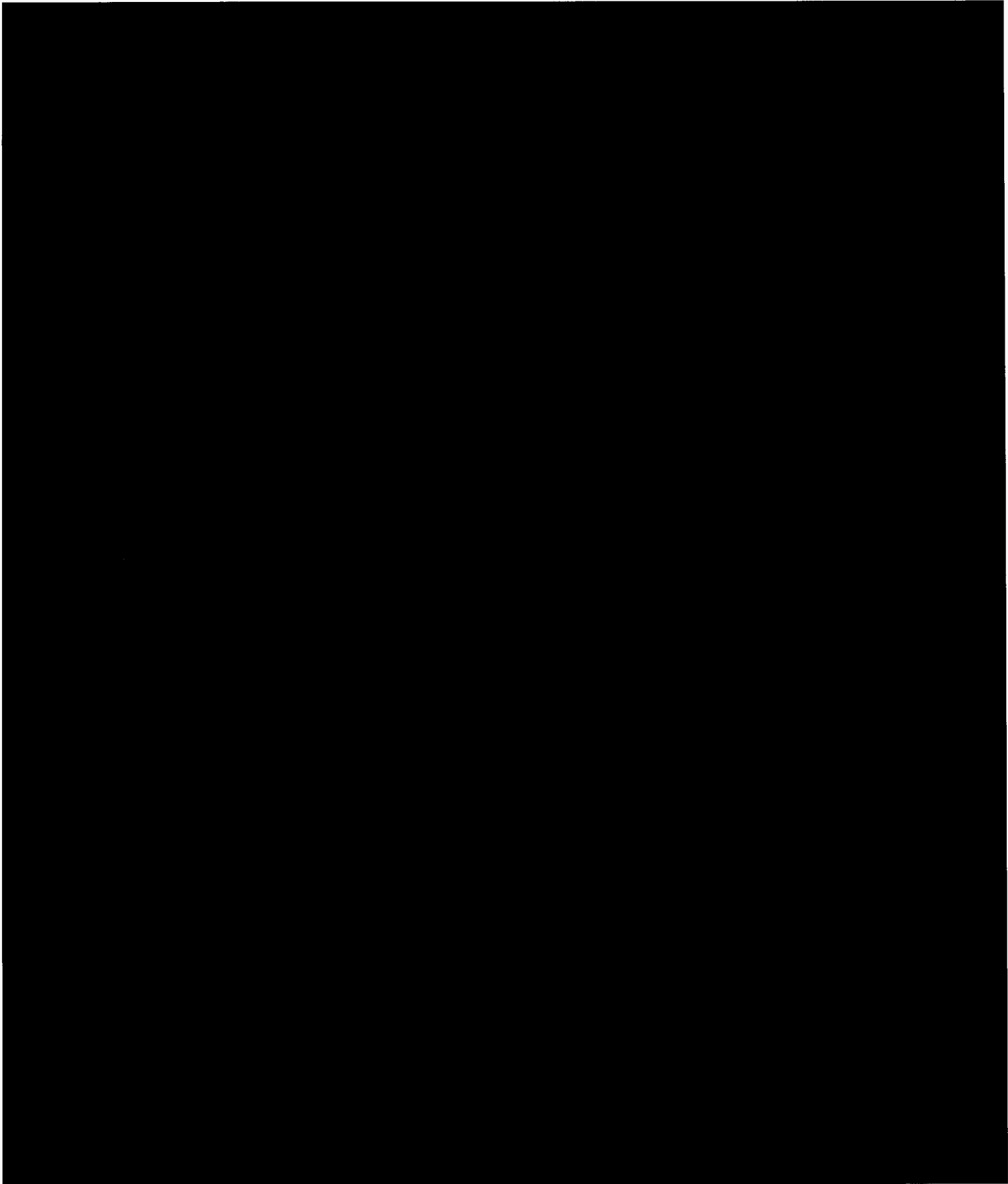
**CONFIDENTIAL**

FPL286328



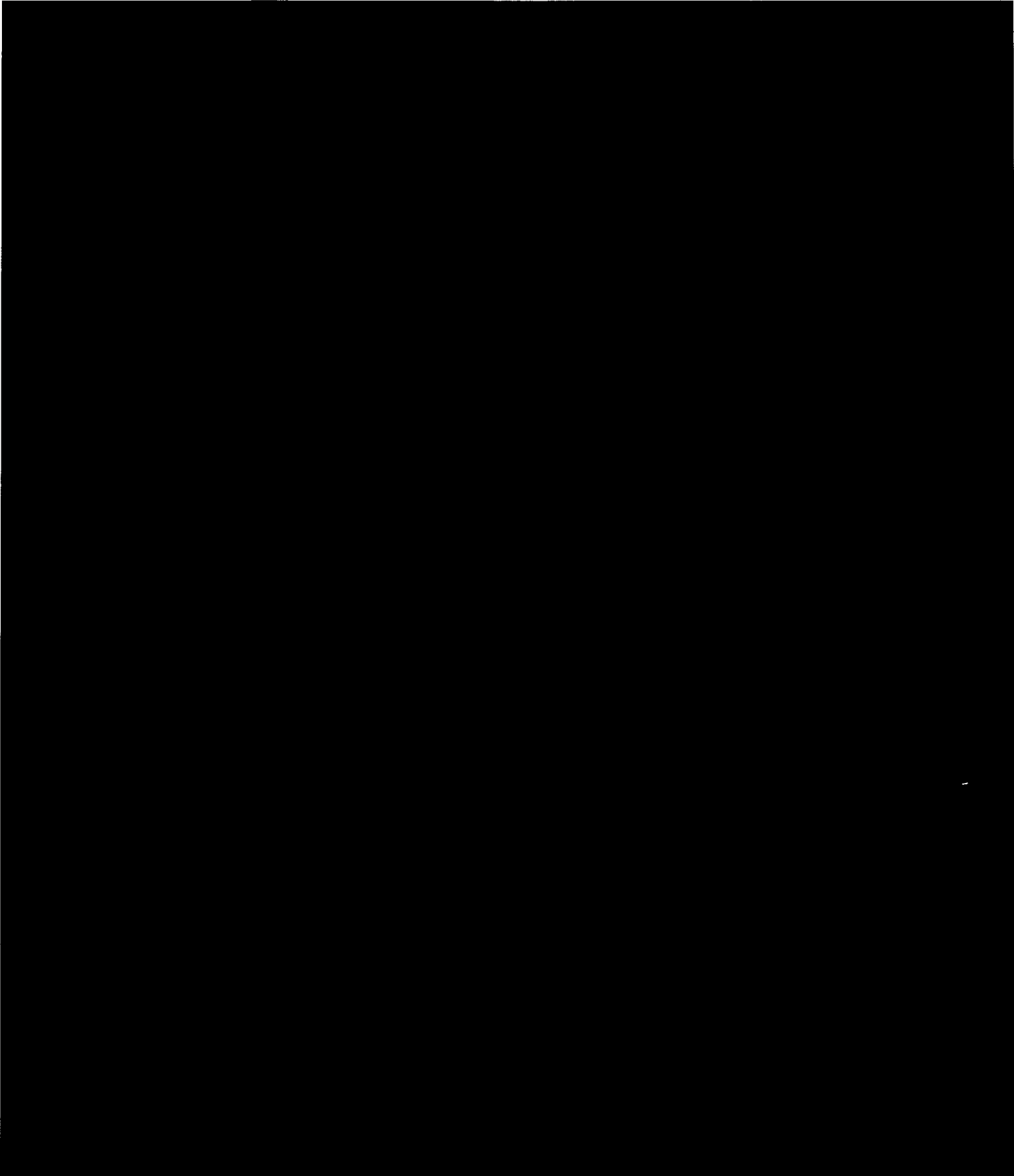
**CONFIDENTIAL**

FPL286329



**CONFIDENTIAL**

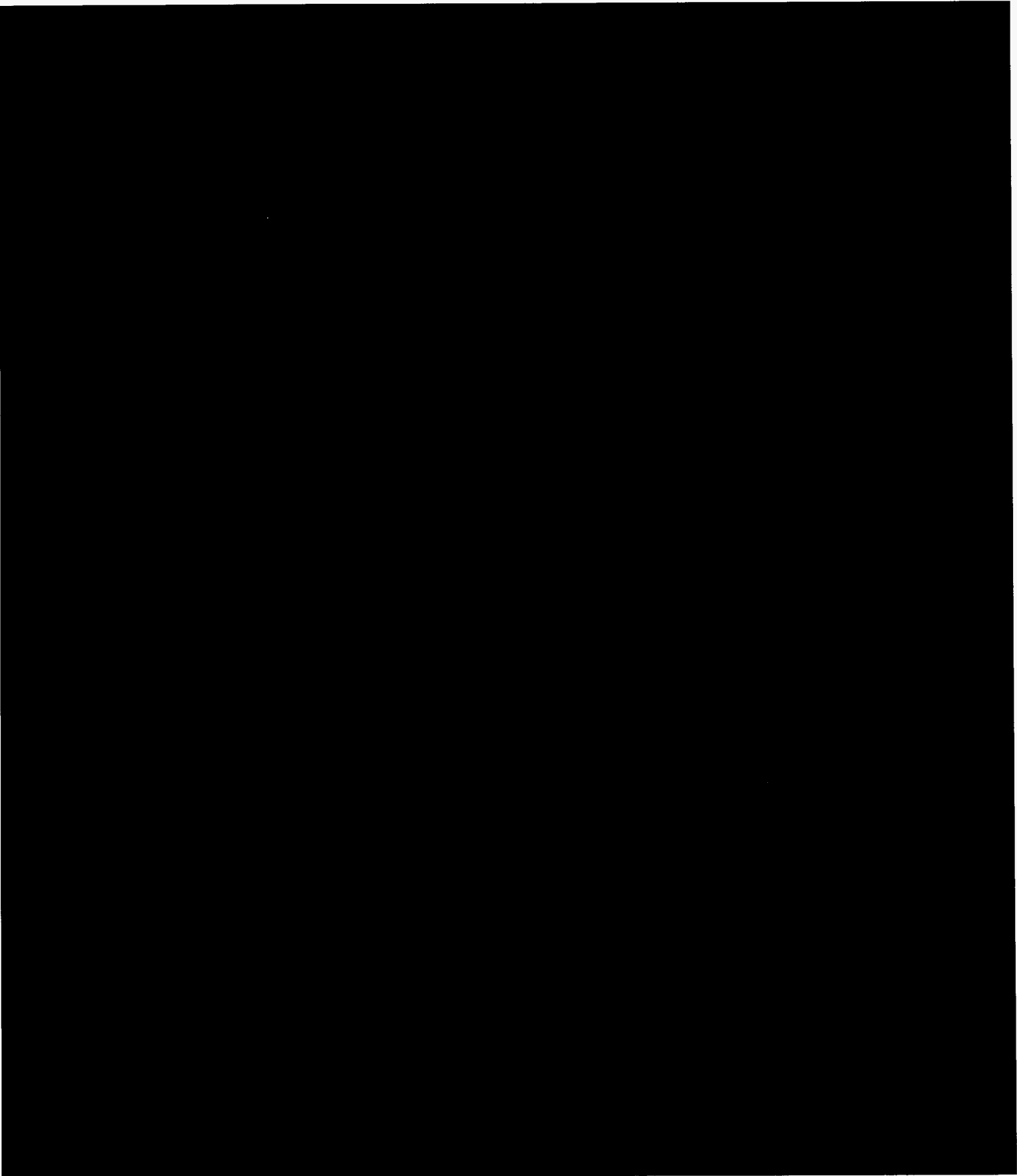
FPL286330



**CONFIDENTIAL**

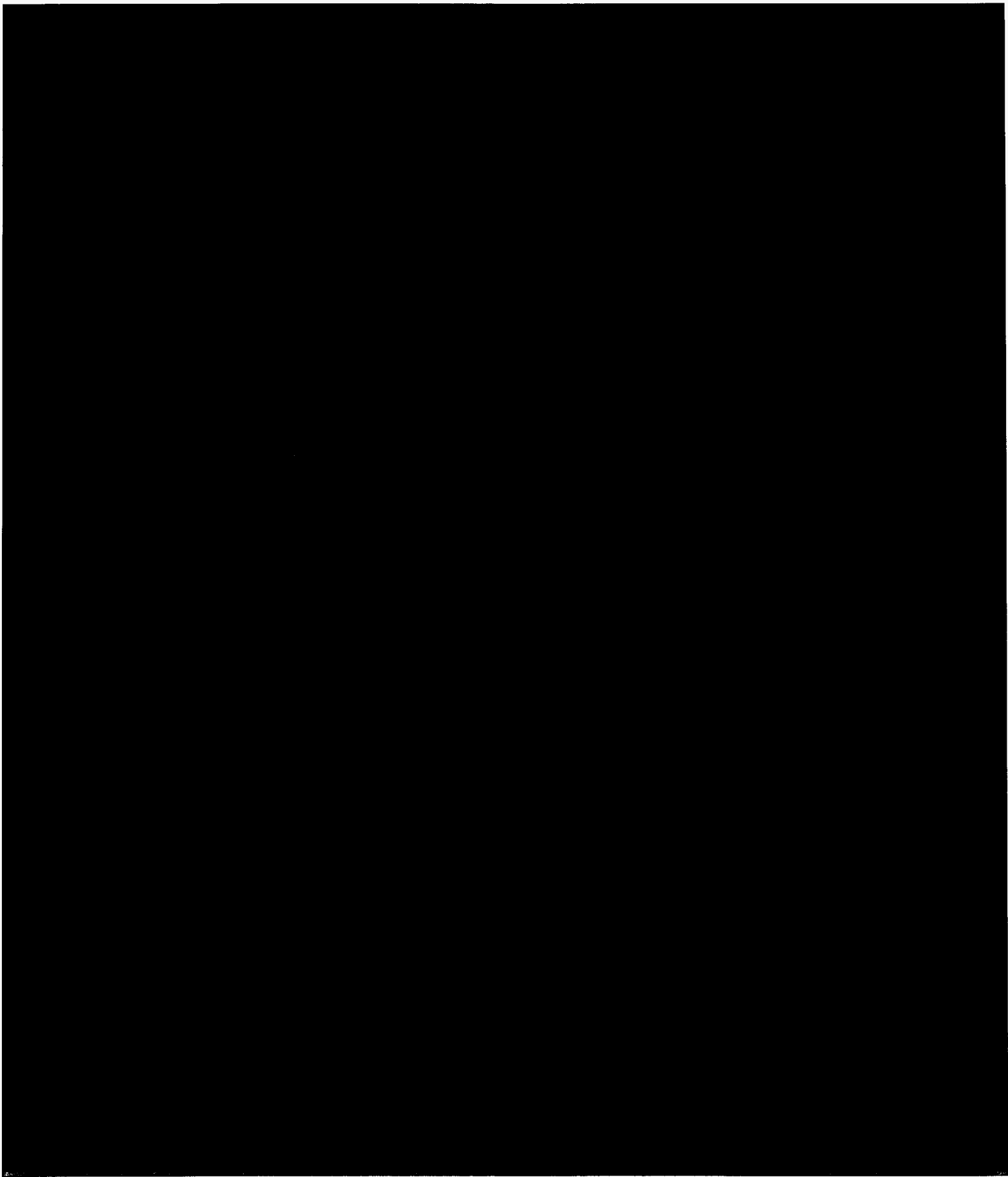
FPL286331





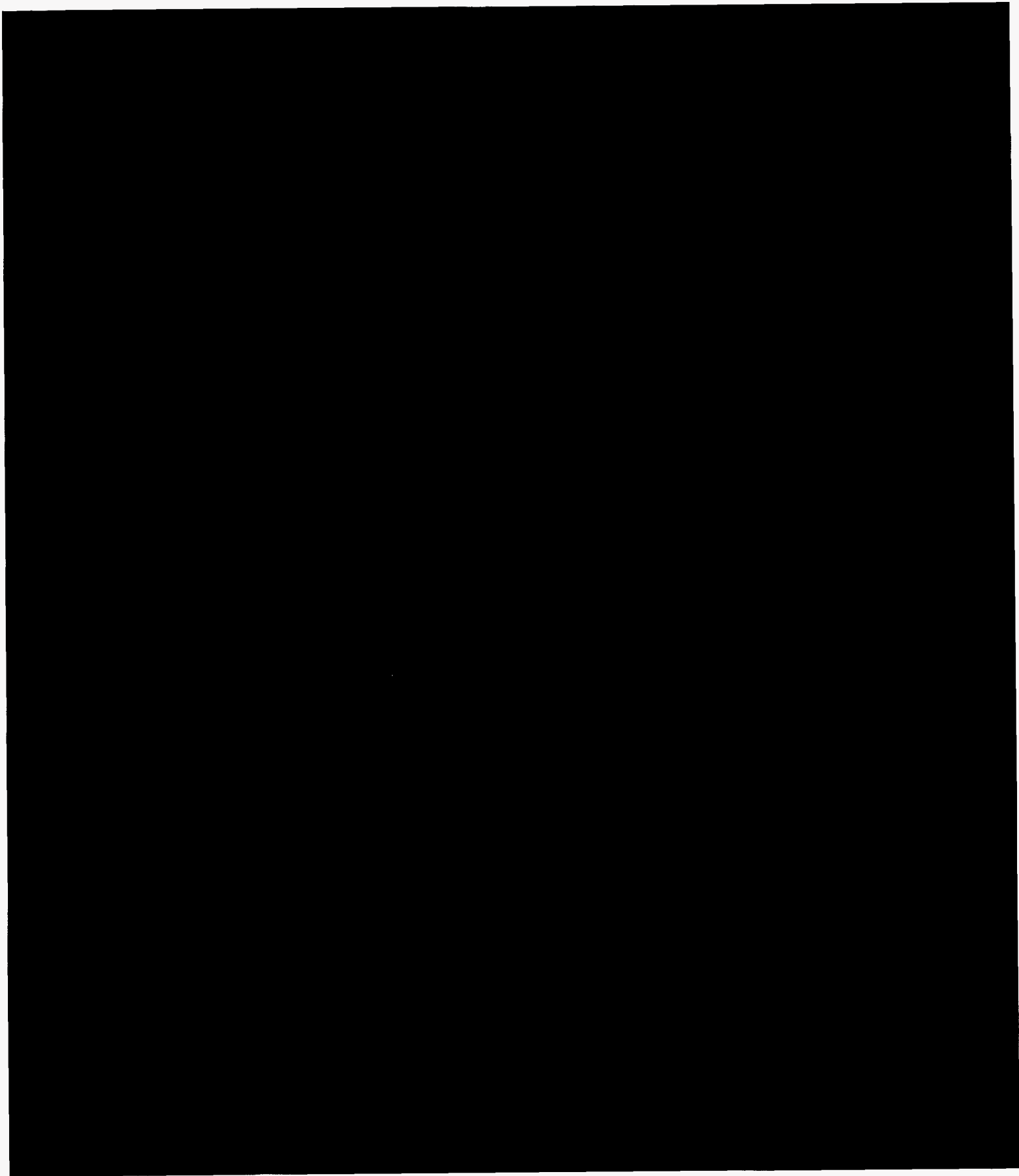
**CONFIDENTIAL**

FPL286332



**CONFIDENTIAL**

FPL286333



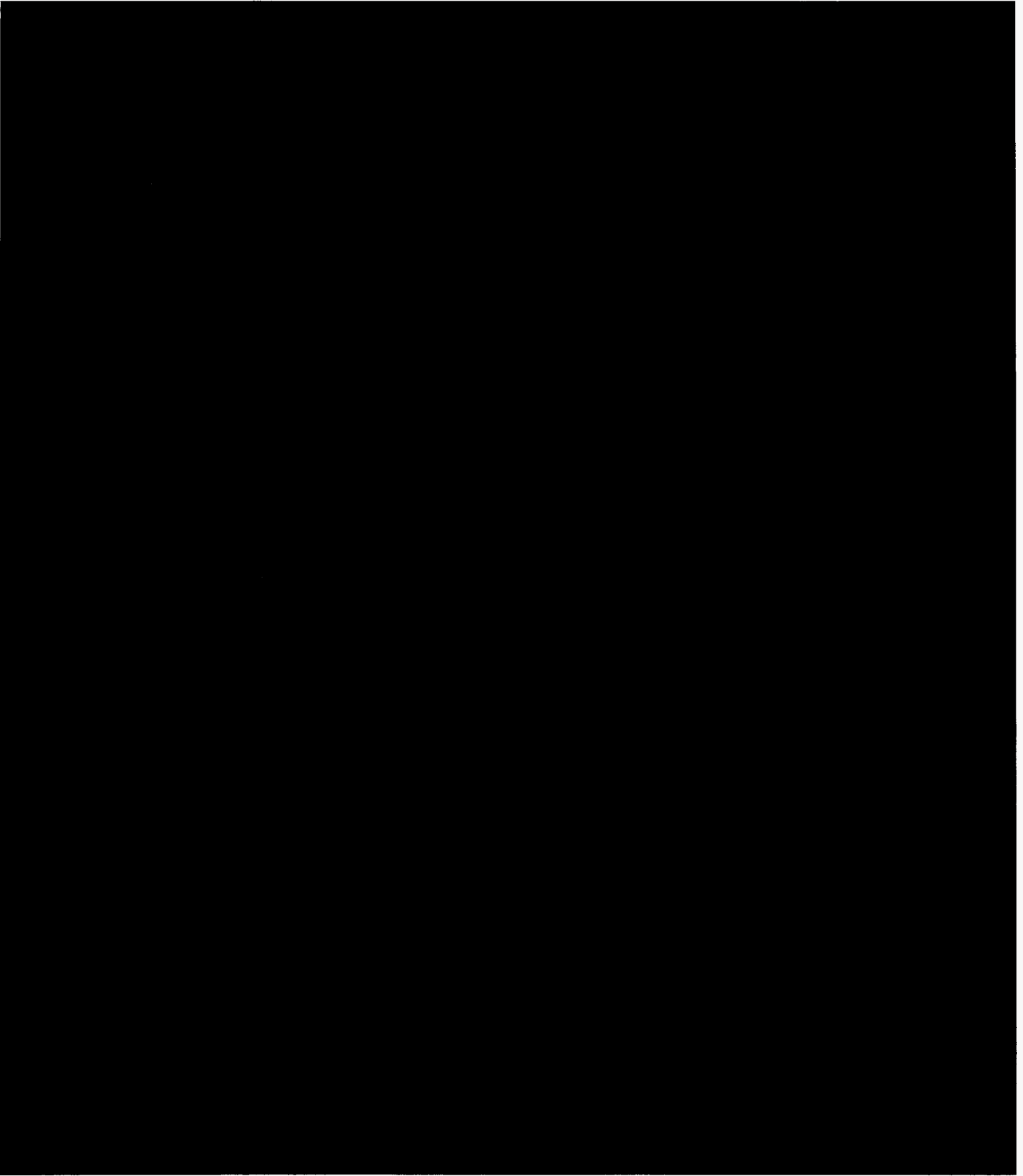
**CONFIDENTIAL**

FPL286334



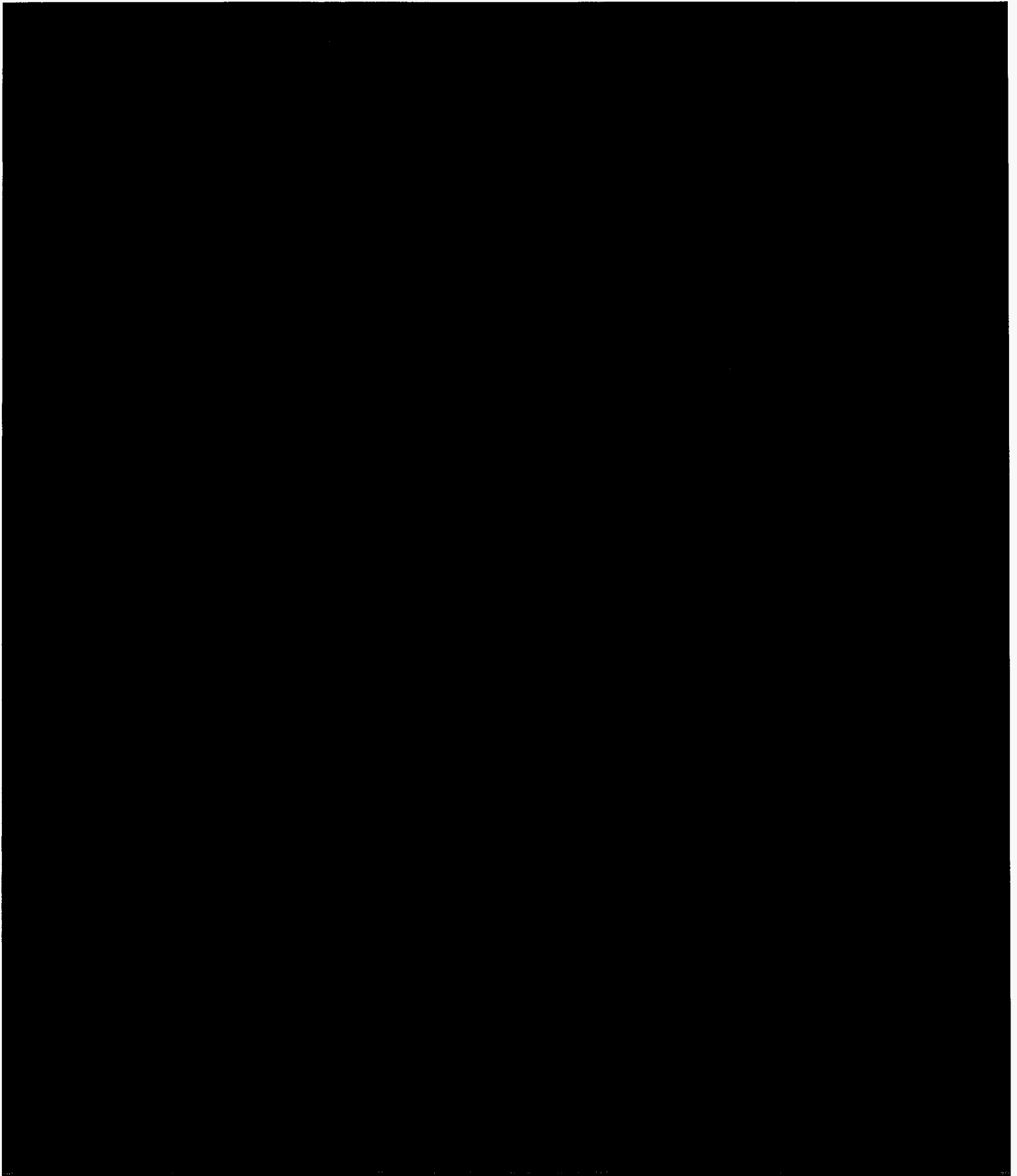
**CONFIDENTIAL**

FPL286335



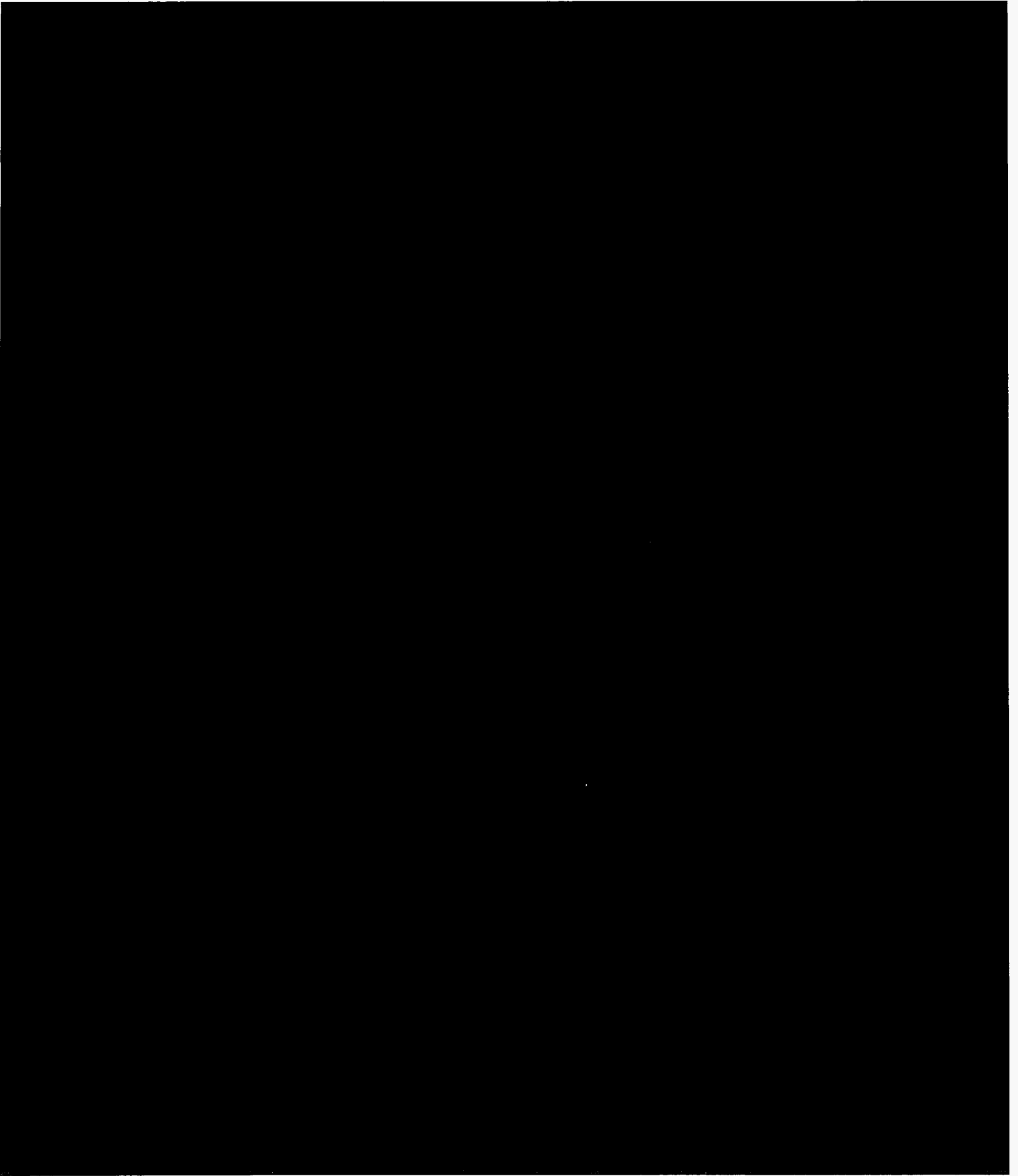
**CONFIDENTIAL**

FPL286336



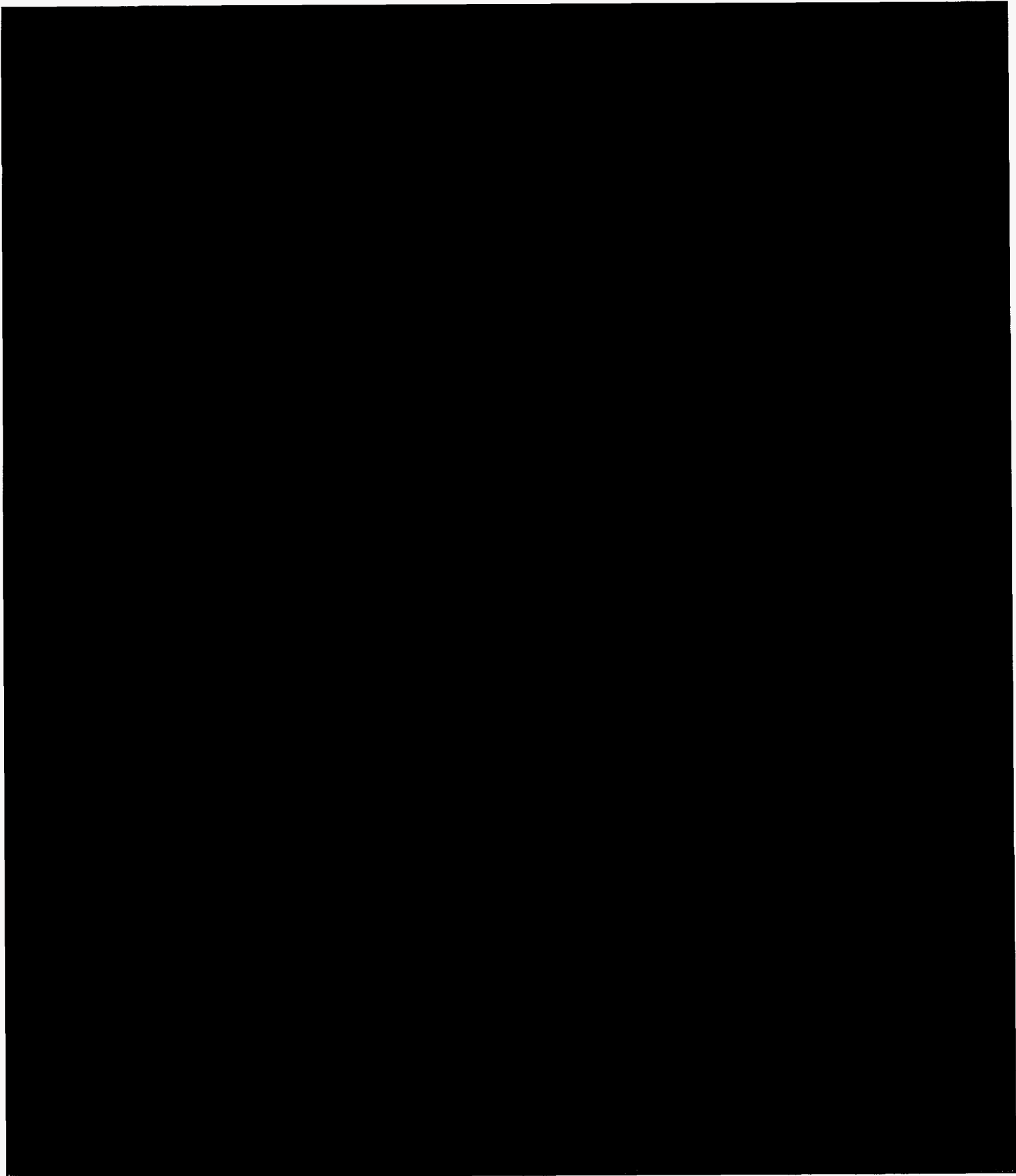
**CONFIDENTIAL**

FPL286337



**CONFIDENTIAL**

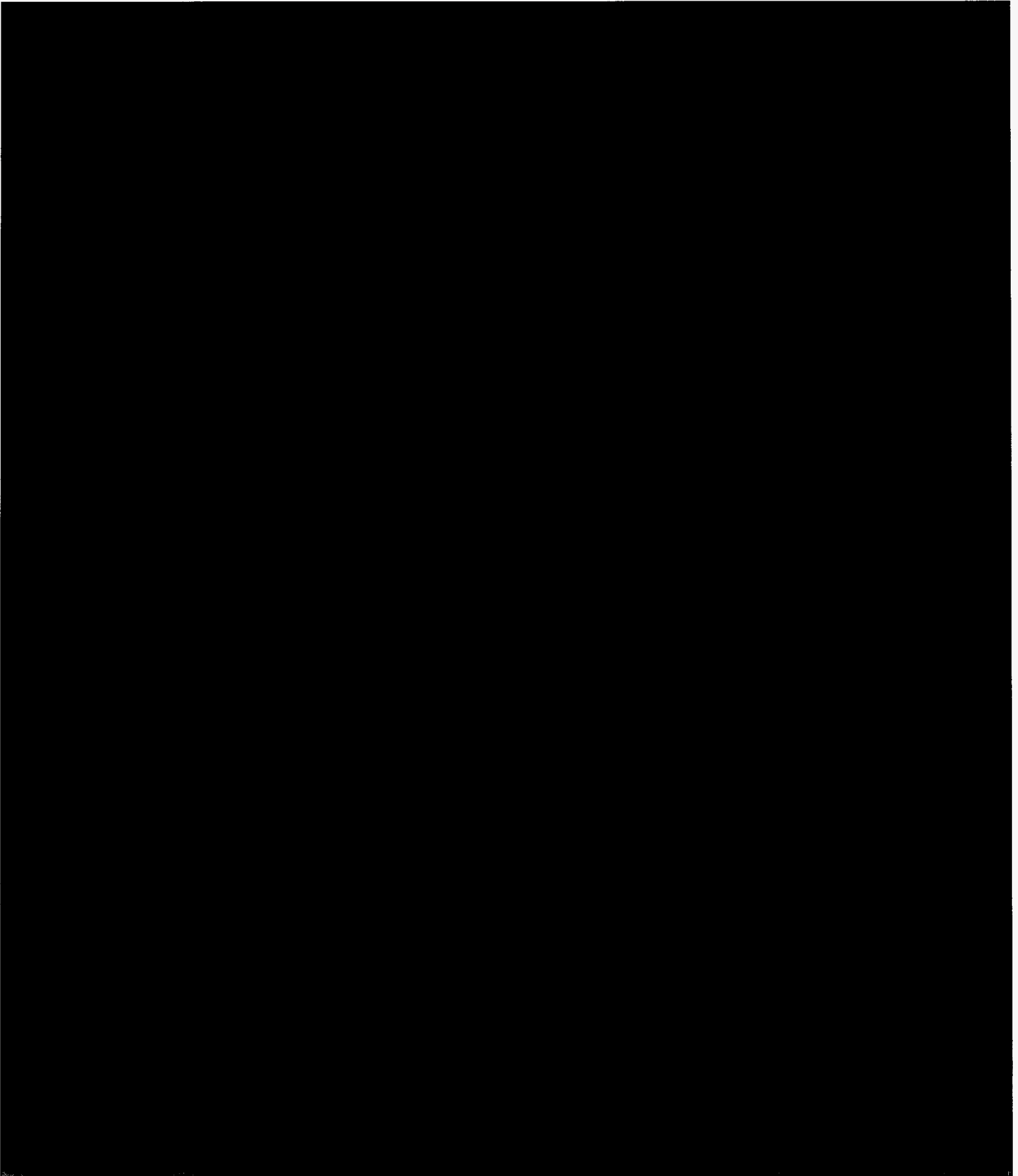
FPL286338



**CONFIDENTIAL**

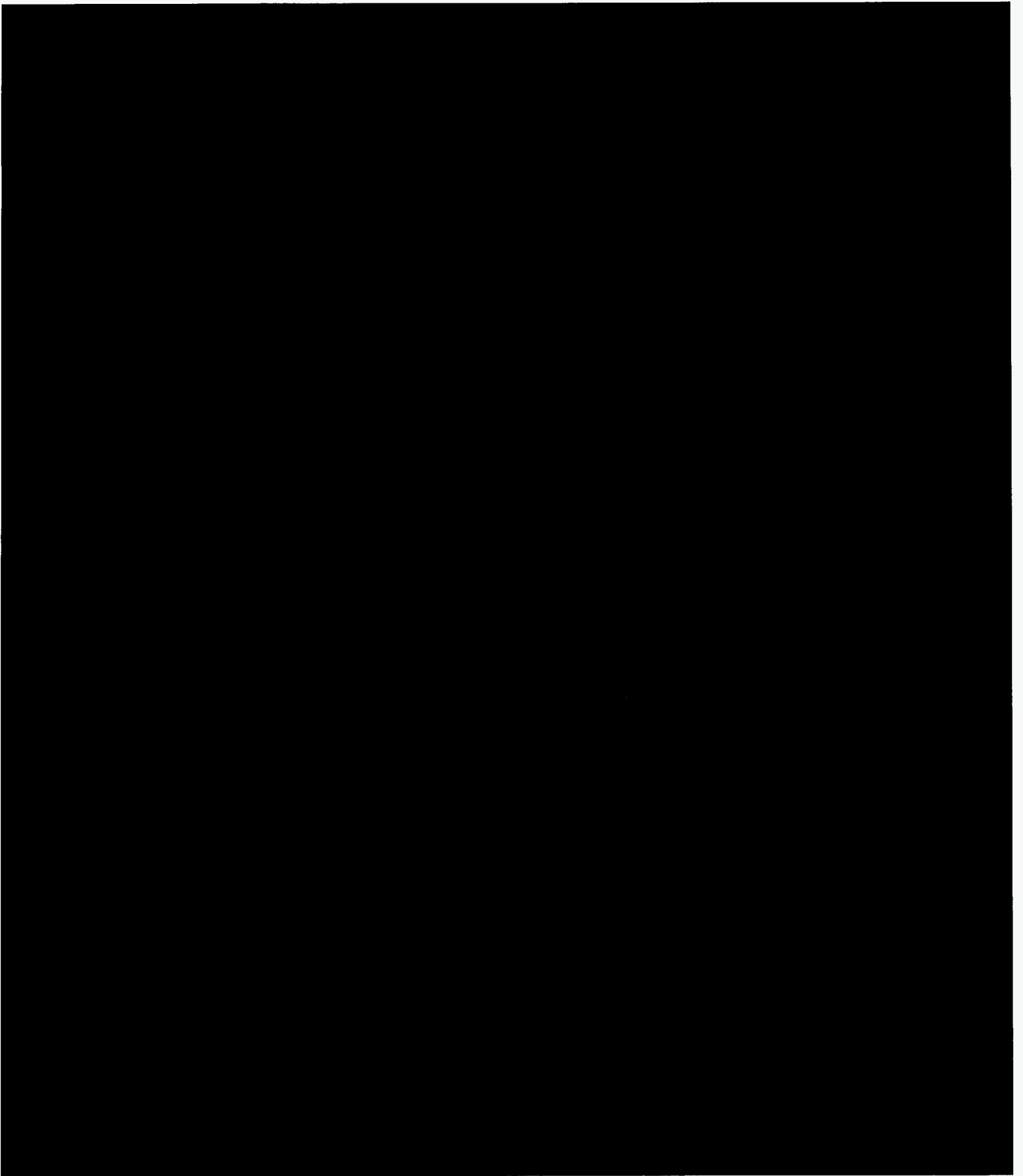
FPL286339





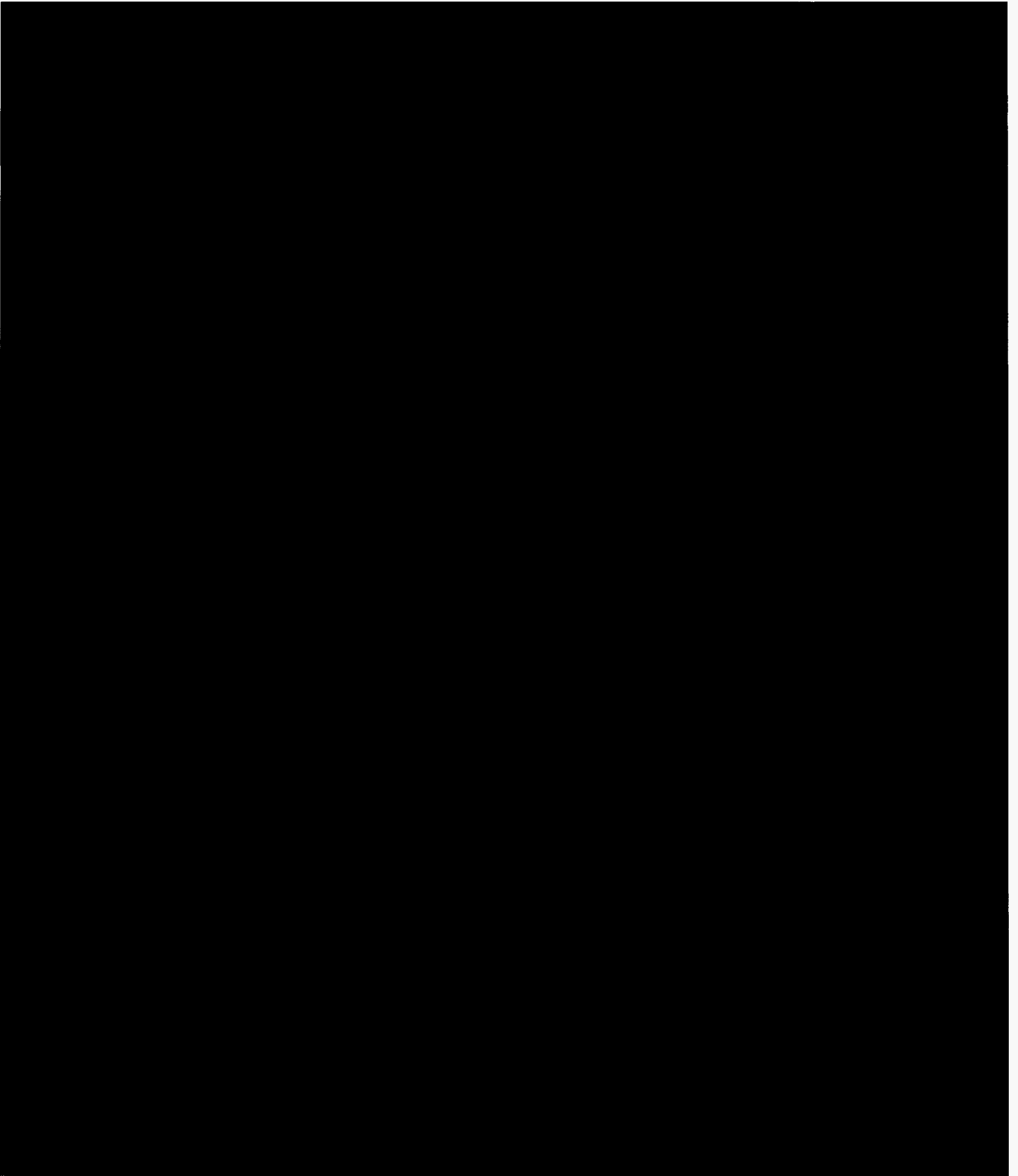
**CONFIDENTIAL**

FPL286340



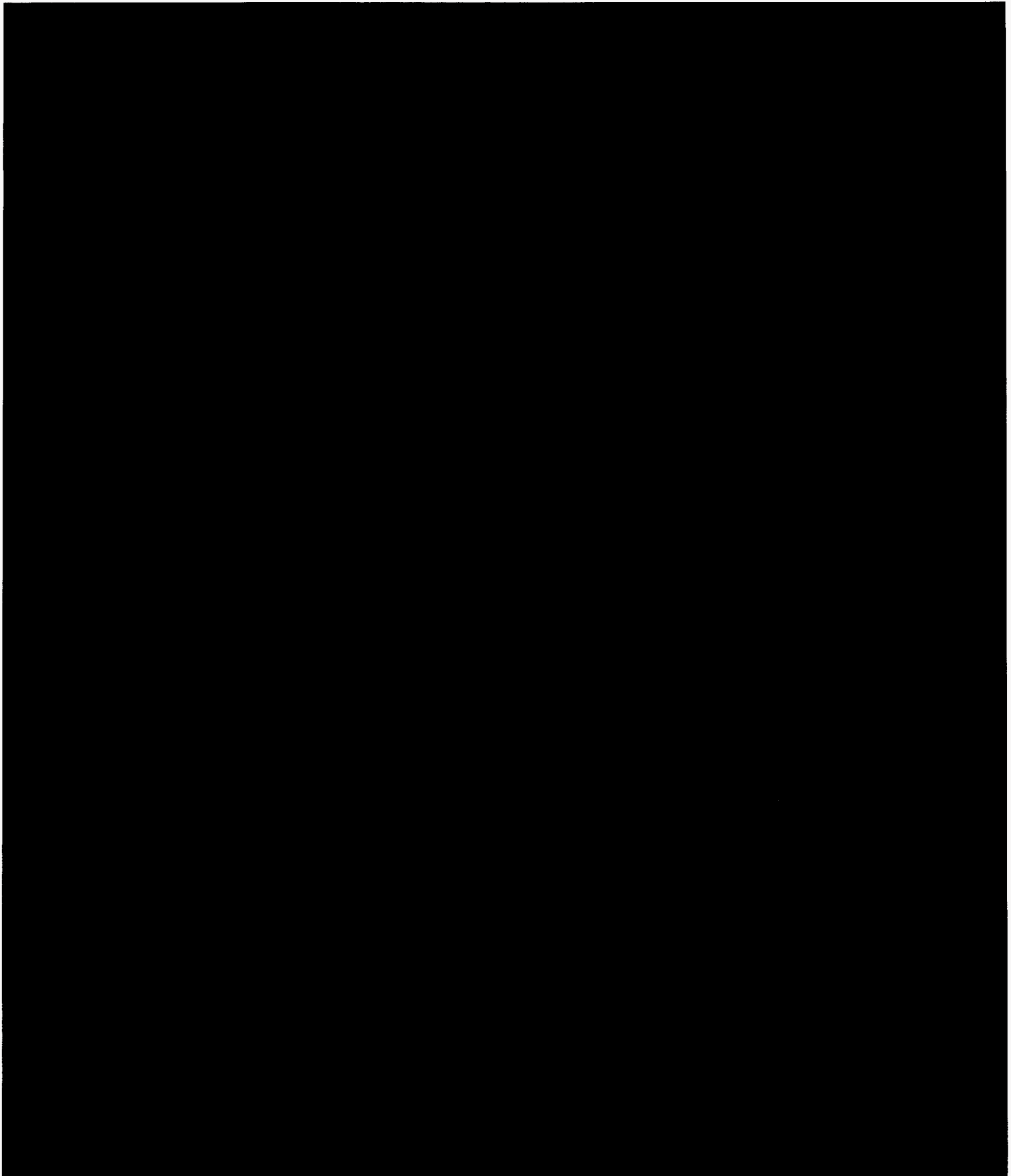
**CONFIDENTIAL**

FPL286341



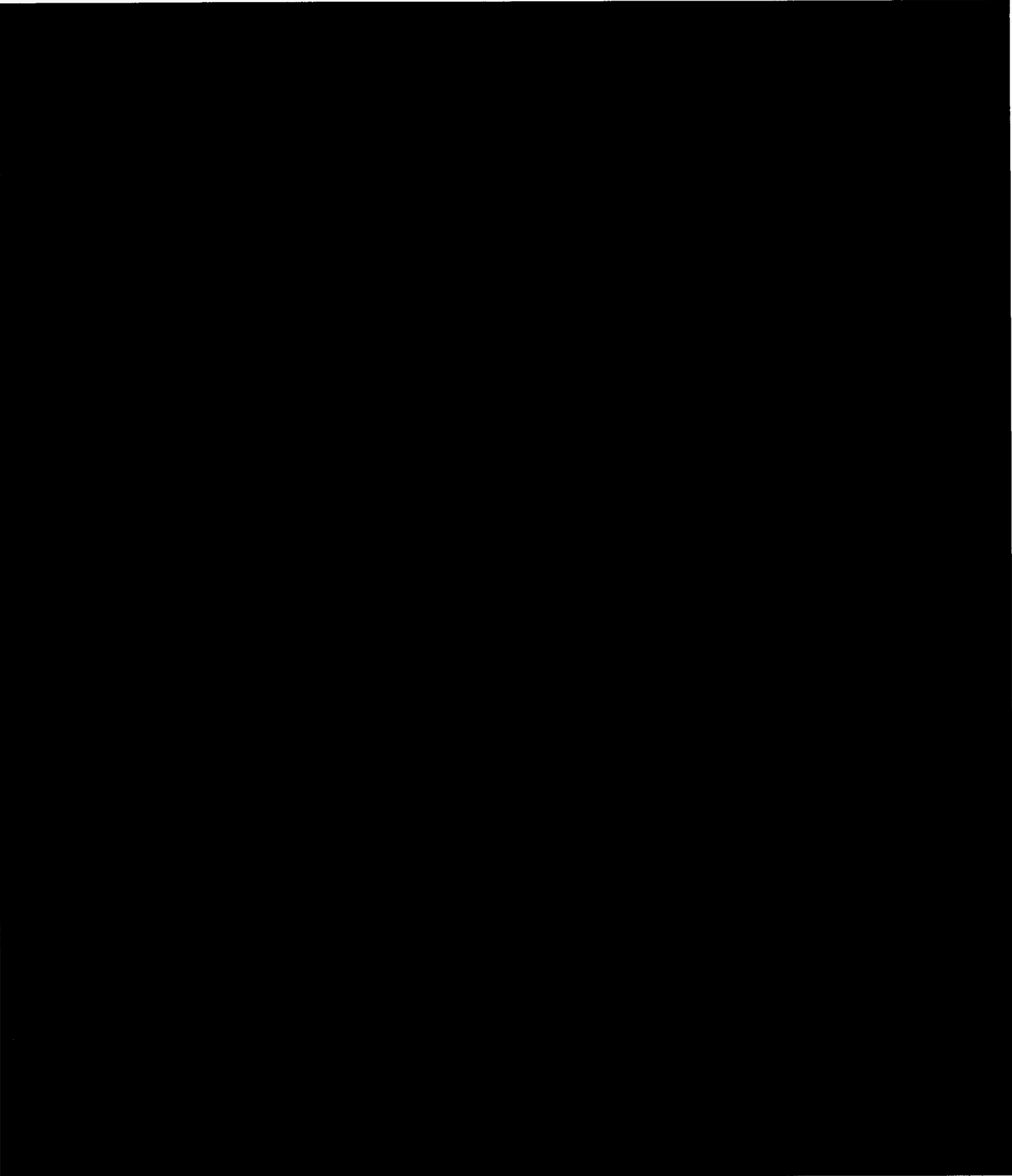
**CONFIDENTIAL**

FPI 286342



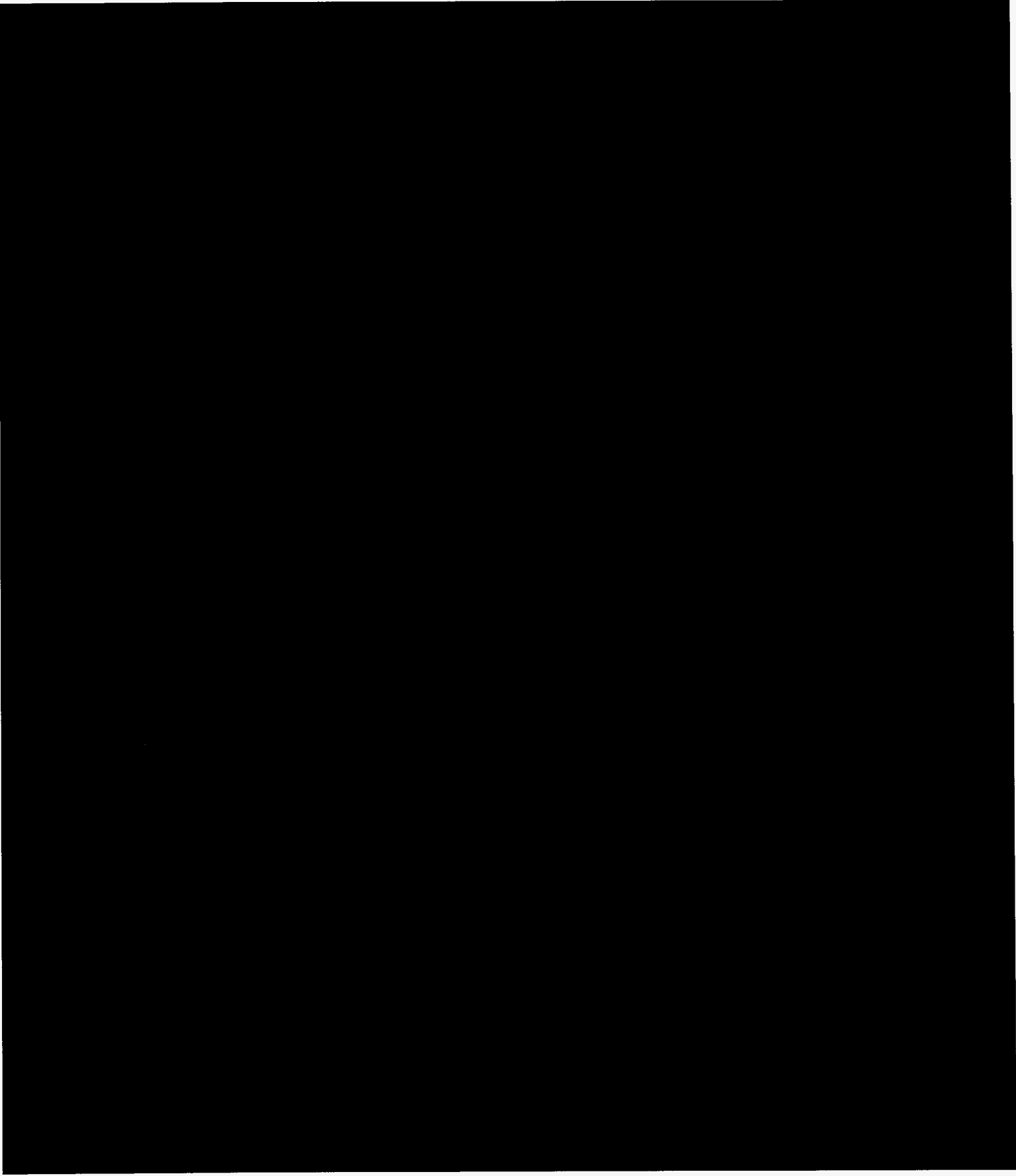
**CONFIDENTIAL**

FPL286343



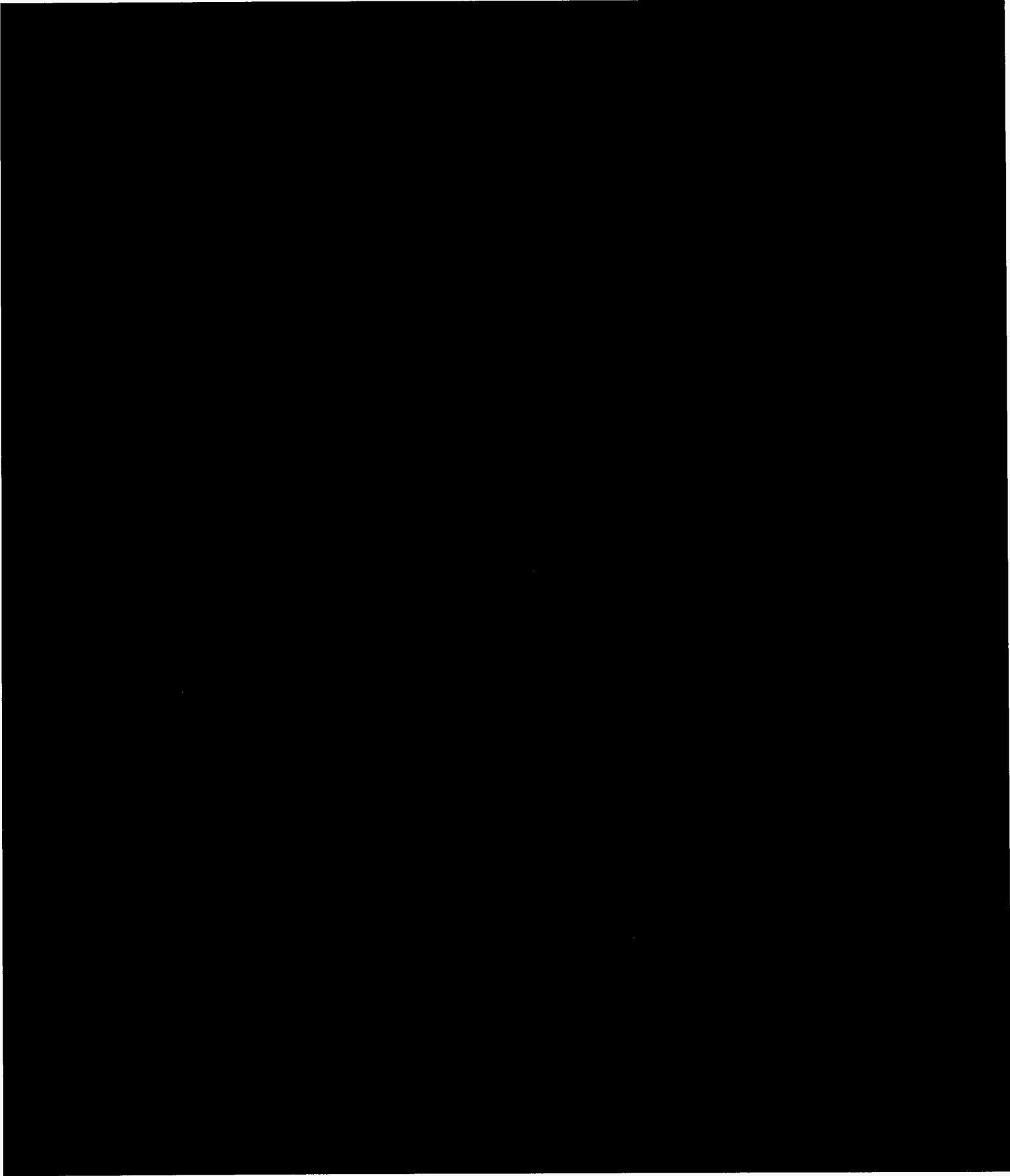
**CONFIDENTIAL**

FPL286344



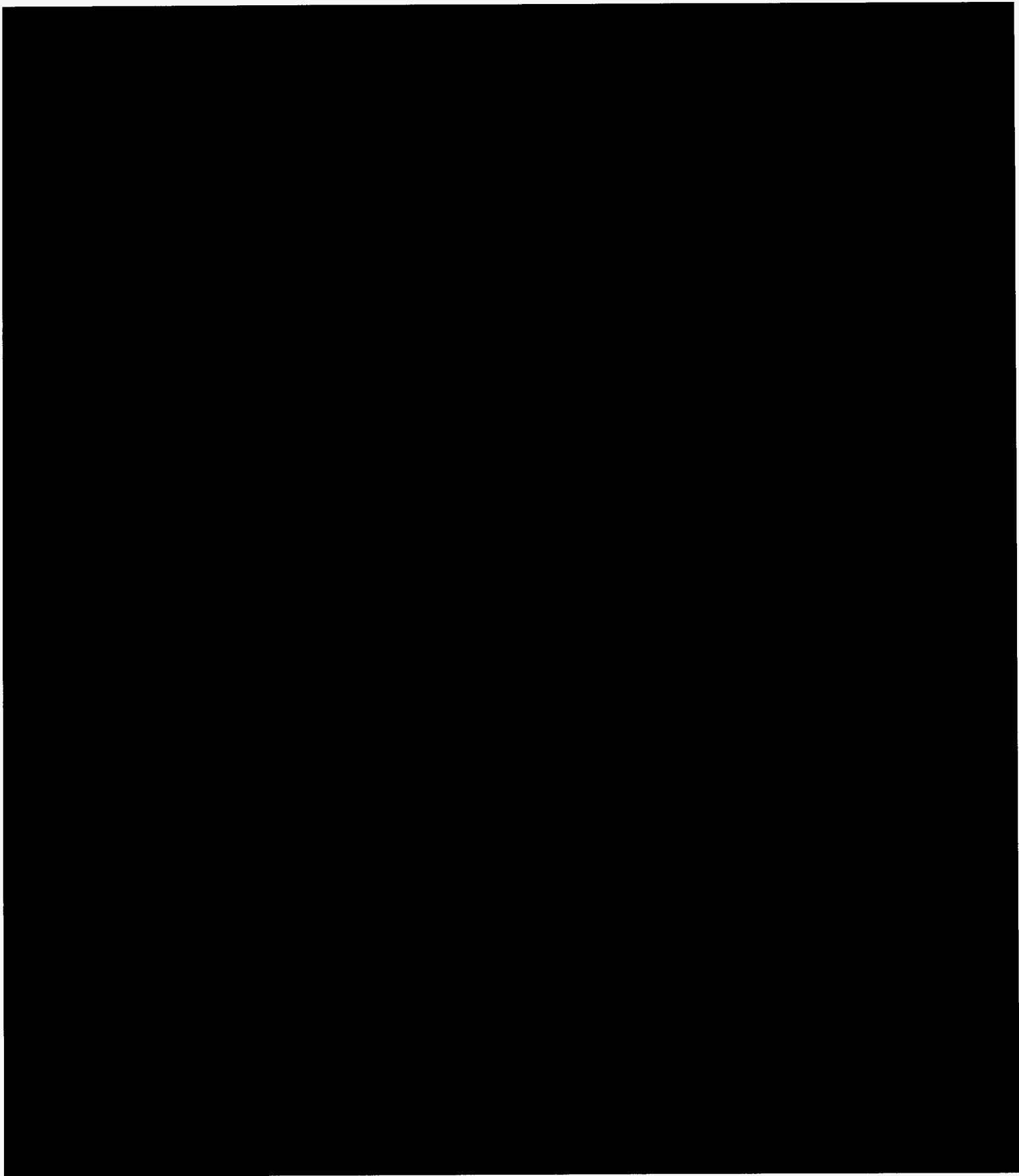
**CONFIDENTIAL**

FPL286345



**CONFIDENTIAL**

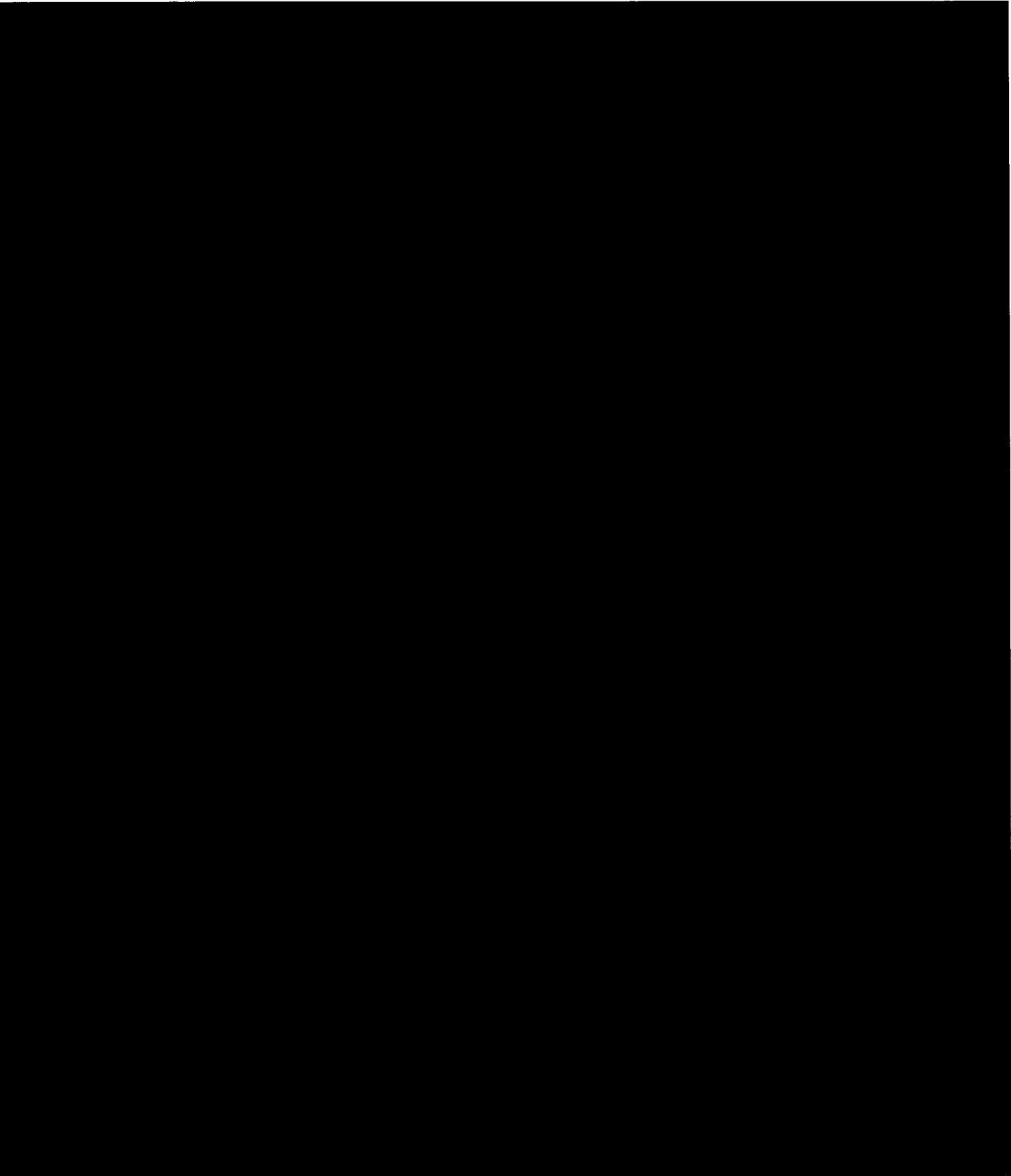
FPL286346



**CONFIDENTIAL**

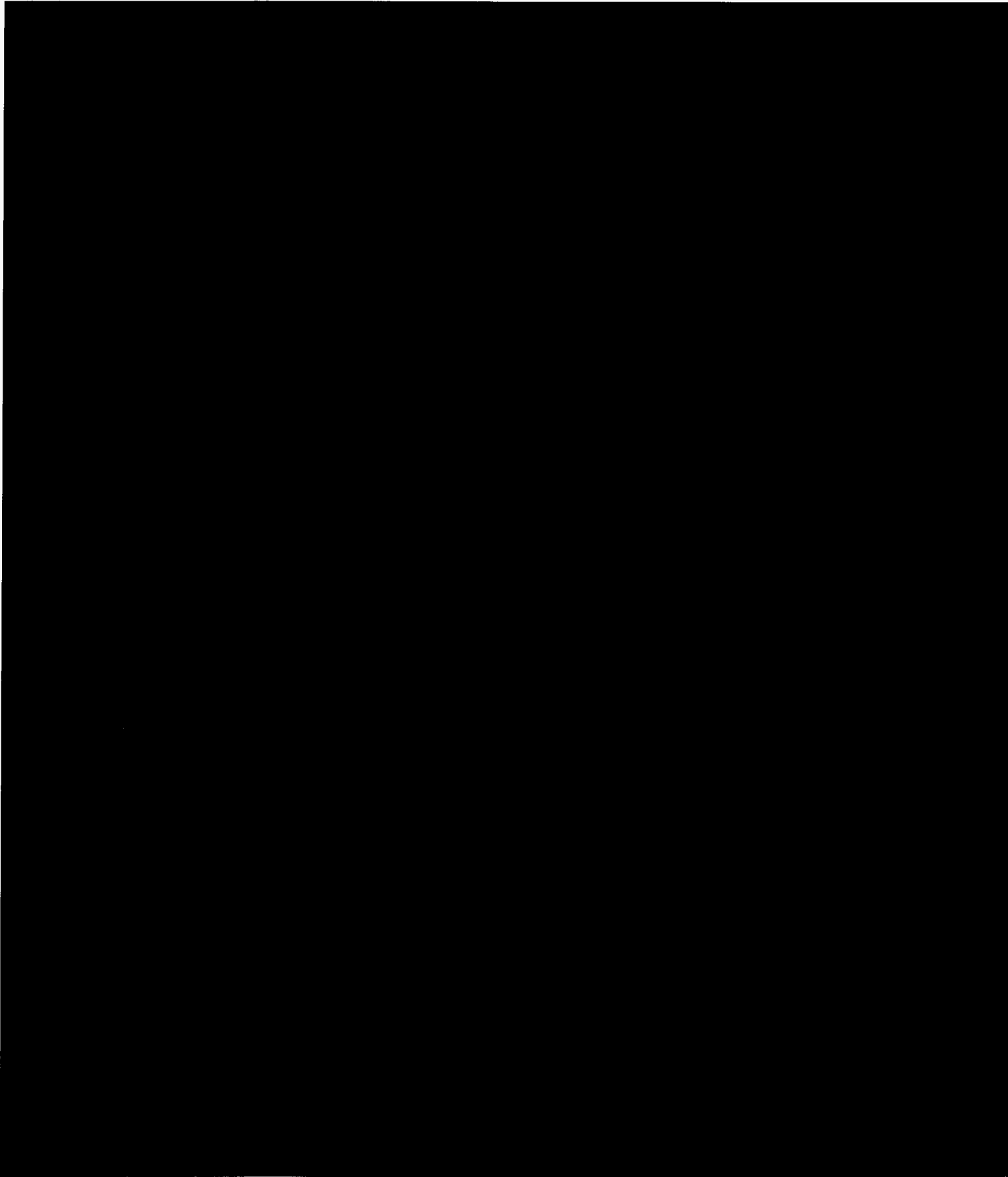
FPL286347





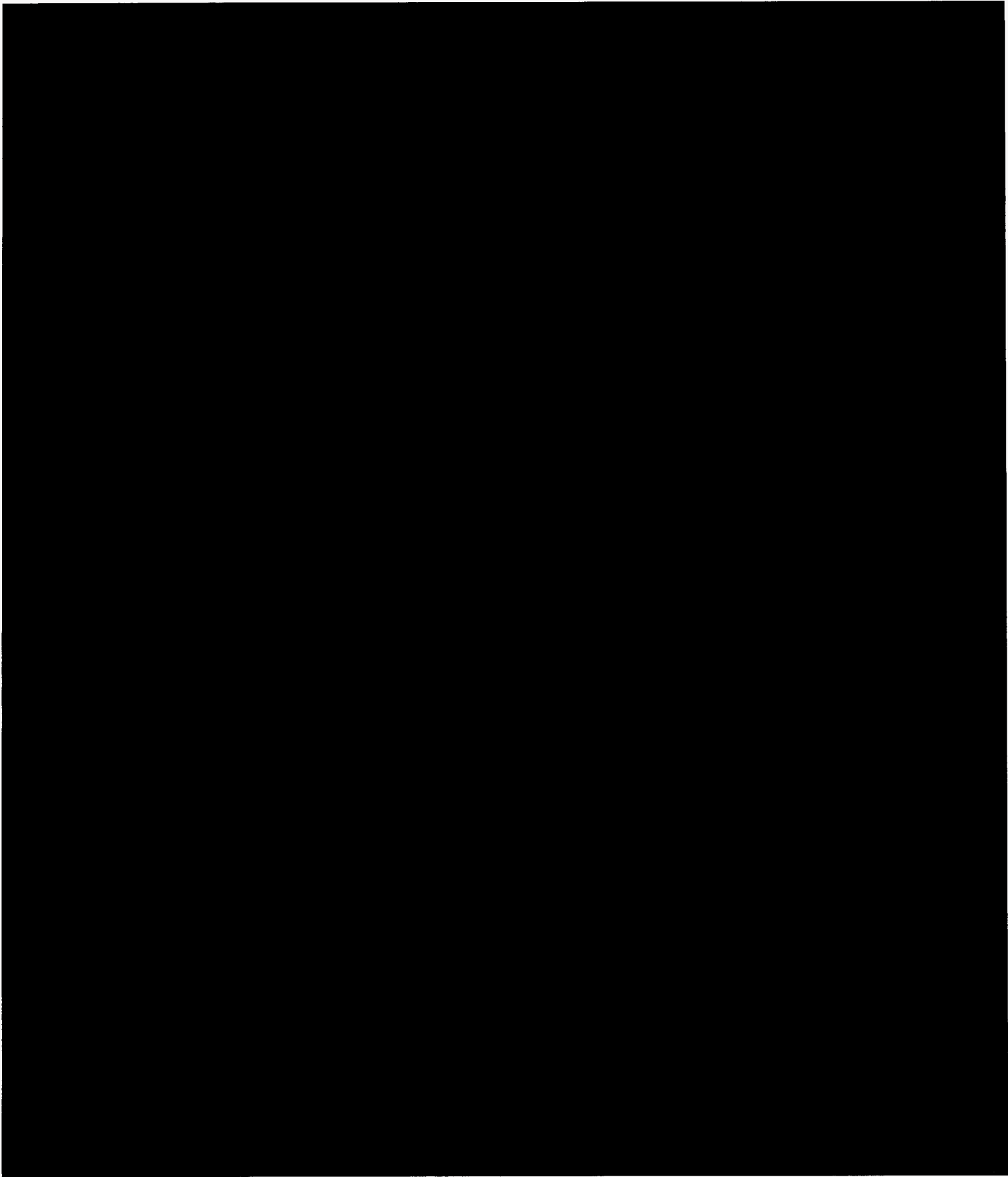
**CONFIDENTIAL**

FPL286348



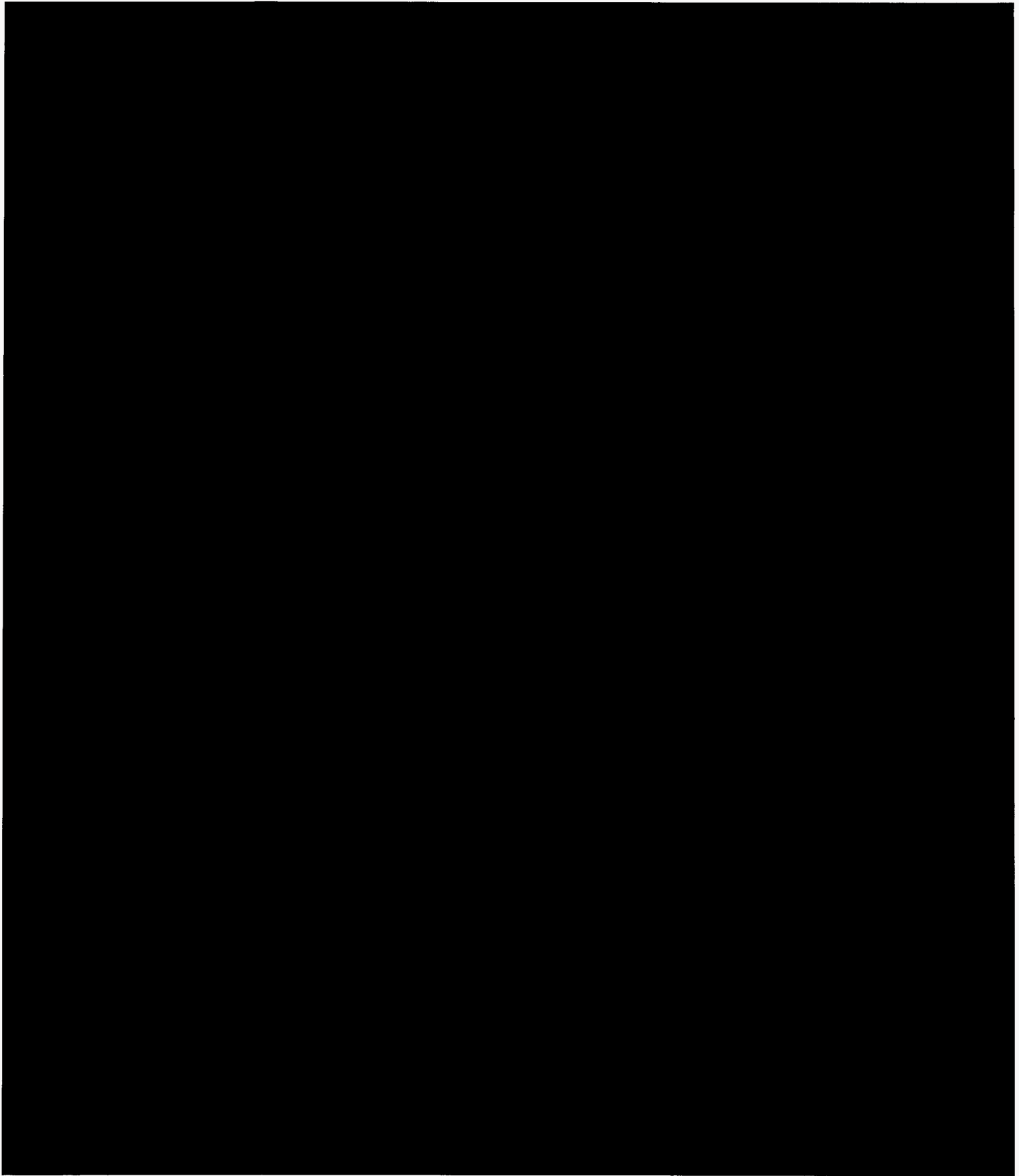
**CONFIDENTIAL**

FPL286349



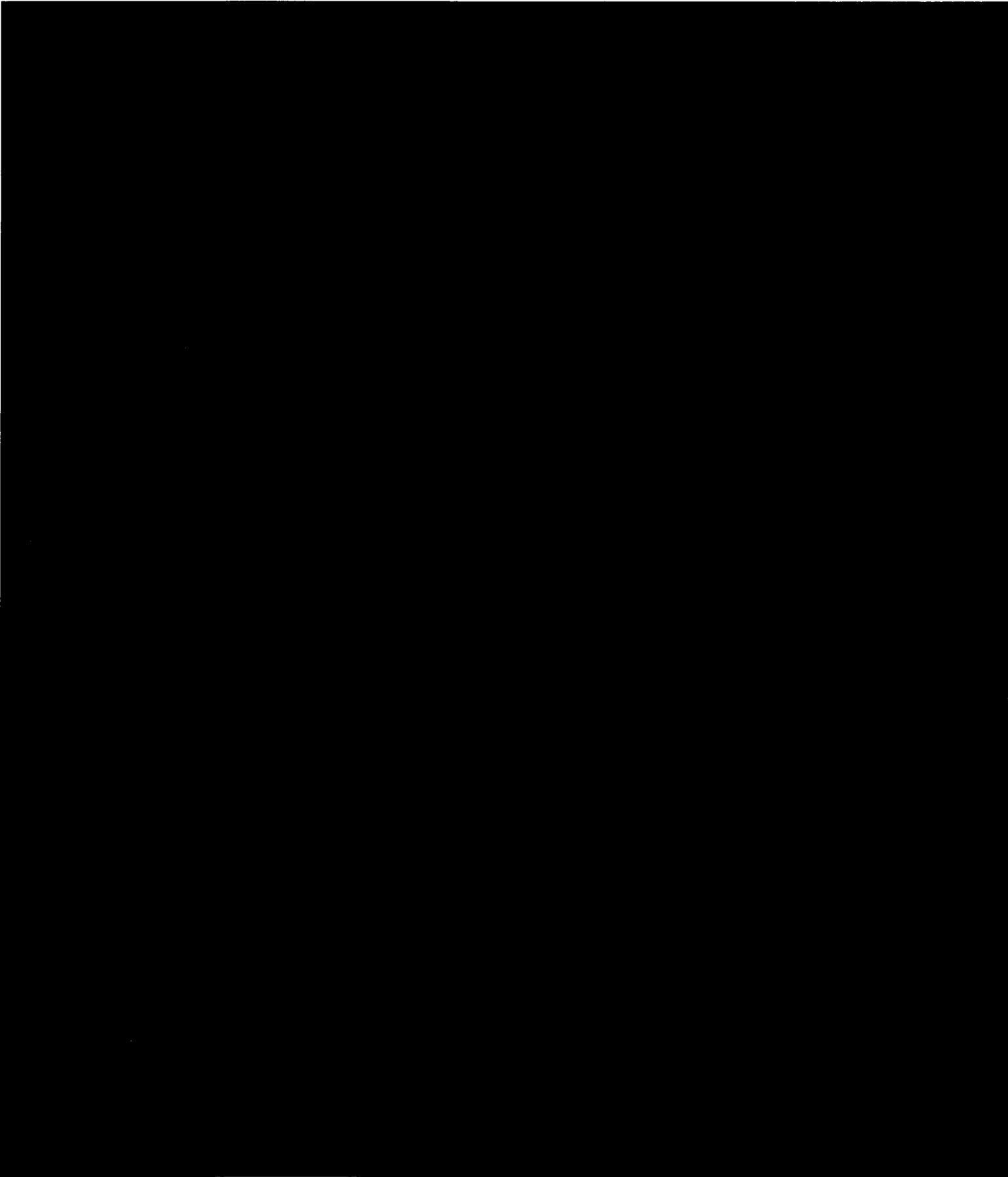
**CONFIDENTIAL**

FPL286350



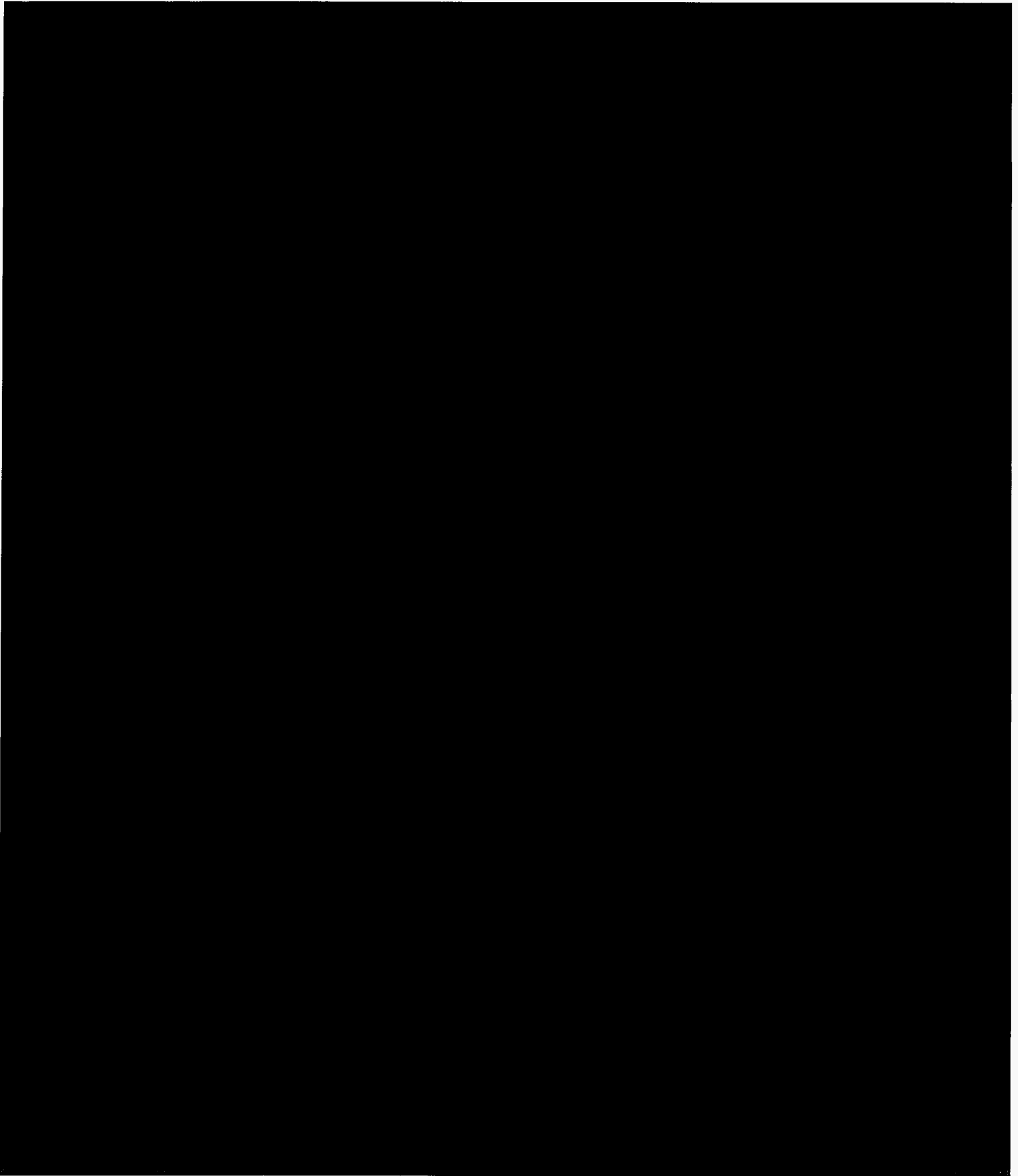
**CONFIDENTIAL**

FPL286351



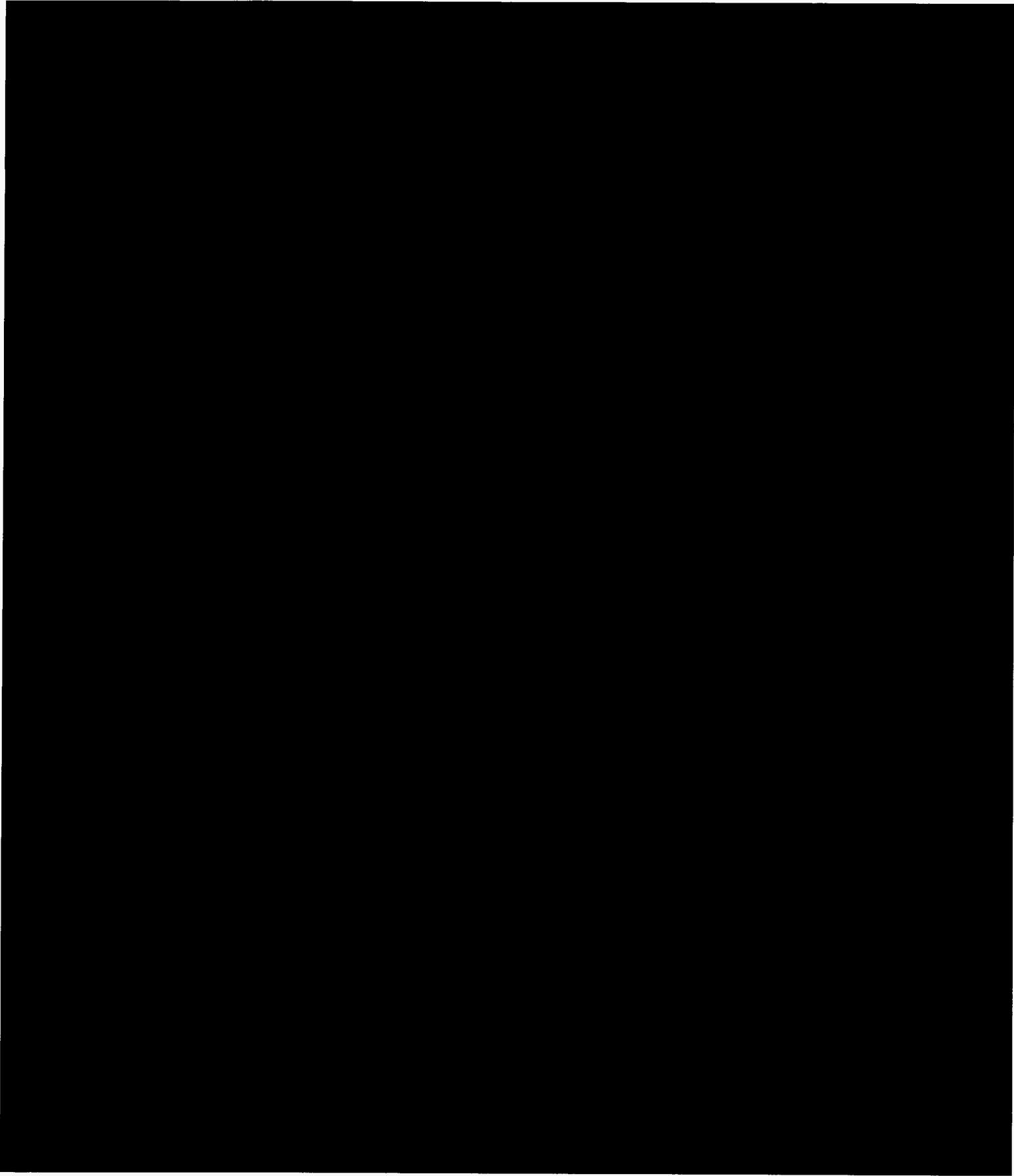
**CONFIDENTIAL**

FPL286352



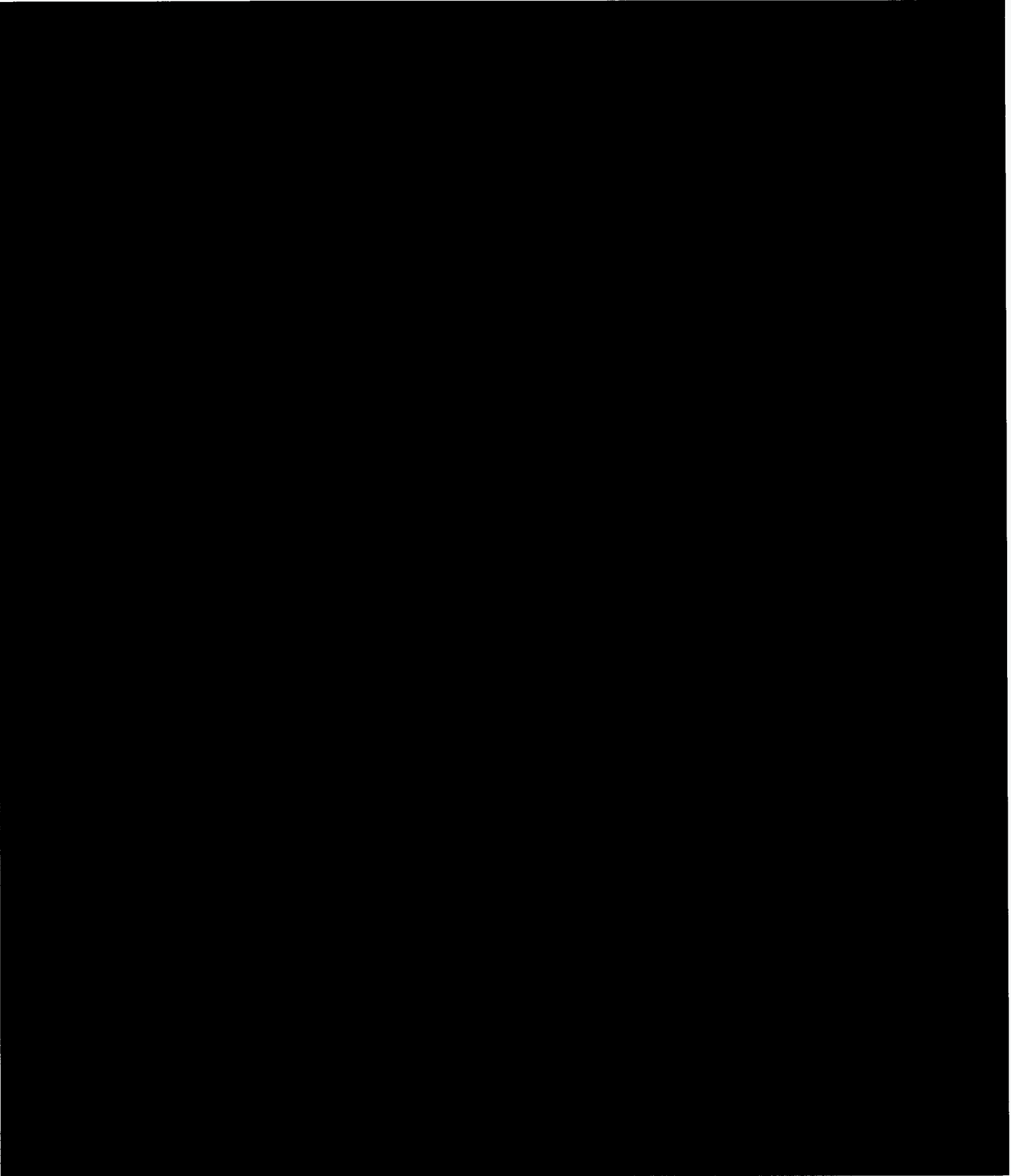
**CONFIDENTIAL**

FPL286353



**CONFIDENTIAL**

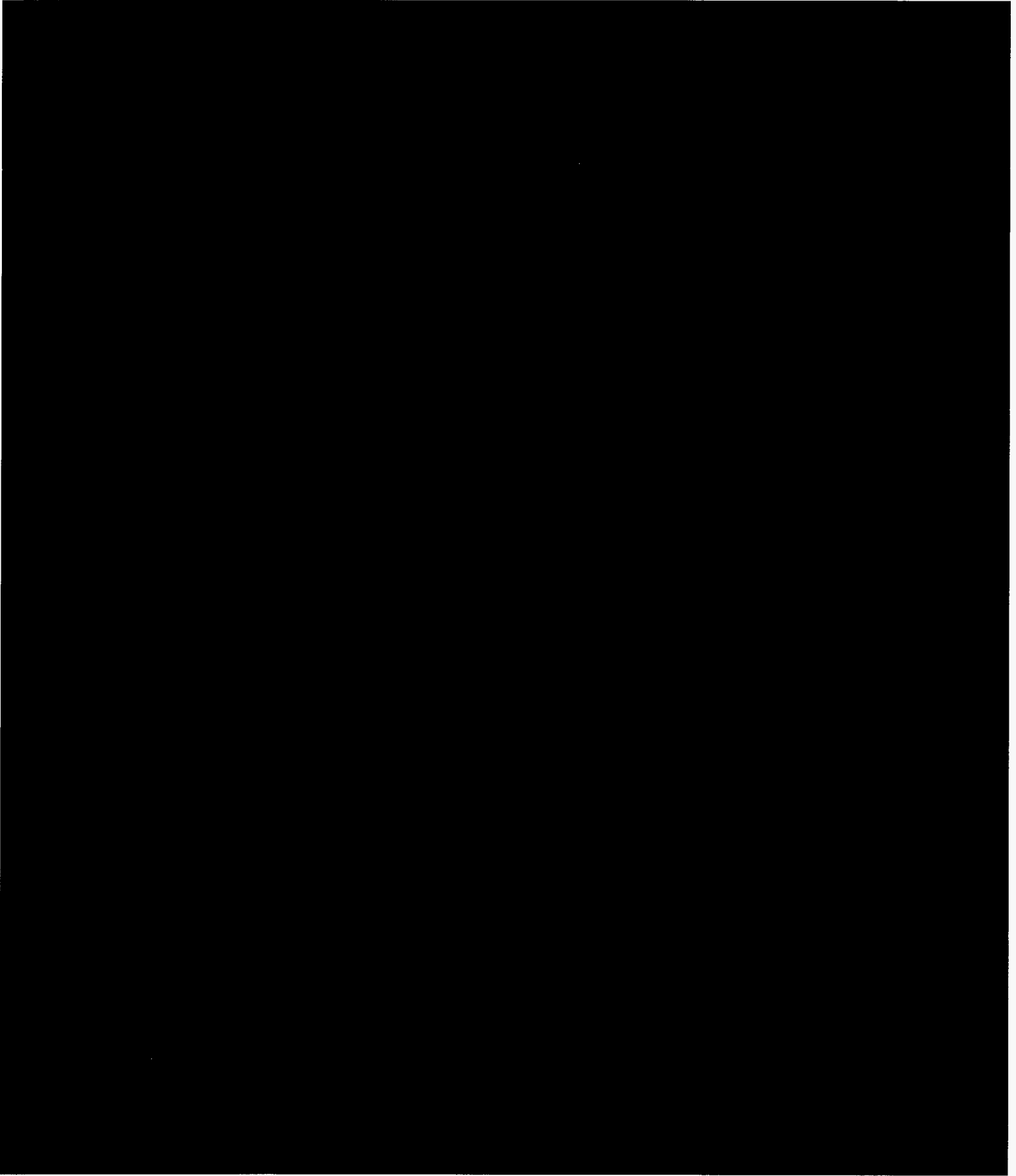
FPL286354



**CONFIDENTIAL**

FPL286355





**CONFIDENTIAL**

FDI 286358

# **EXHIBIT C**

## **JUSTIFICATION TABLE**

**EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Documents  
**DOCKET NO:** 050045-EI & 050188-EI  
**DISCOVERY:** Staff's 5<sup>th</sup> Request for Production of Documents  
No. 54 & 55

Description	Page No.	Conf Y/N	Line No./Col No.	Florida Statute 366.093(3) Subsection	Affiant
Production of Documents No. 54	FPL282690- FPL282691	N			
Production of Documents No. 55	FPL286252- FPL286356	Y	All	(e)	H. Hiller

# **EXHIBIT D**

## **AFFIDAVIT**

