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STATE OF FLORIDA

COMMISSIONERS:
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DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES
BLANCA S. BAYO
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

SEP 19 2005 10:39 AM
COMMISSION CLERK
-8 AM 11:22
ECONOMIC REGULATION
PUBLIC SERVICE

Public Service Commission

M-E-M-O-R-A-N-D-U-M

DATE: September 7, 2005

TO: _____ OFFICE OF THE GENERAL COUNSEL
_____ DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT
XX _____ DIVISION OF ECONOMIC REGULATION
_____ DIVISION OF REGULATORY COMPLIANCE
& CONSUMER ASSISTANCE

FROM: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCUMENT NO(s): 08439-05

CMP _____
COM _____ DESCRIPTION: FPL (Smith) - (CONFIDENTIAL) Certain information contained
_____ in responses to staff's 1st request for PODs (No. 1).

CTR _____

ECR _____

GCL _____

OPC _____ SOURCE: Florida Power & Light Company

RCA _____

SCR _____ DOCKET NO(S): 040029-EG/040660-EG

SGA _____ The above material was received with a filing of a request for confidential
SEC 1 classification. Please prepare a recommendation for the attorney assigned to the case by
_____ completing the section below and forwarding a copy of this memorandum, together with a
OTH _____ brief memorandum supporting your recommendation, to the attorney. Copies of your
Marg _____ recommendation should also be provided to the Division of the Commission Clerk and
Administrative Services, Bureau of Records and Hearing Services, and to the Office of
General Counsel.

DOCUMENT NUMBER-DATE

08791 SEP 19 05

FPSC-COMMISSION CLERK

Please read each of the following and check if applicable.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:

- (a) Trade secrets;
- (b) Internal auditing controls and reports of internal auditors;
- (c) Security measures, systems, or procedures;
- (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company to contract for services on favorable terms;
- (e) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
- (f) Tax returns or tax-related information;
- (g) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.

(i) customer specific information
The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.

The material appears not to be confidential in nature.

The material is a periodic or recurring filing and each filing contains confidential information.

Response prepared by: Judy D. Hadow

Date: 9/16/05

cc: GCL FLL
 CMP CCA
 ECR RCA
 MMS



ORIGINAL

Natalie F. Smith
Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 691-7207
(561) 691-7135 (Facsimile)

September 6, 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

RECEIVED - FPSC
05 SEP - 6 PM 4: 16
COMMISSION
CLERK

**Re: Florida Power & Light Company's Request for Confidential Classification
In re: Petition for approval of numeric conservation goals by Florida Power & Light
Company - DOCKET NO. 040029-EG / DOCKET NO. 040660-EG**

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. The original includes Exhibits A, B, C and D. The two copies only include Exhibit C.

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 copy records

NFS:ec
Enclosures
cc: Service List

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

08438 SEP-6 05

FPSC-COMMISSION CLERK

ORIGINAL

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Petition for approval of
modifications to BuildSmart Program
by Florida Power & Light Company**)

Docket No. 040660-EG

**In re: Petition for approval of
numeric conservation goals
by Florida Power & Light Company**)

Docket No. 040029-EG

Filed: September 6, 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 documents responsive to discovery requests of the Staff of the Florida Public Service Commission ("Staff") served on FPL in these consolidated docket. In support of its request, FPL states as follows:

1. The confidential information is contained in documents responsive to Staff's First Request for Production of Documents, No. 1.
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 affidavit of Daniel J. Haywood 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.

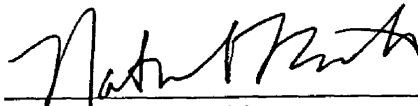
4. As the affidavit indicates, the confidential information consists of customer-specific account information. It is FPL's corporate policy not to disclose customer-specific information. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, 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. 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 affidavits included herewith, Florida Power & Light Company respectfully requests that its request for confidential classification be granted.

Respectfully submitted,



R. Wade Litchfield
Natalie F. Smith
Attorneys for Florida Power & Light
Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Tel. (561) 691-7207
Fax: (561) 691-7135

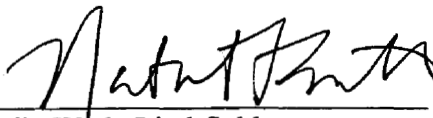
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing without exhibits has been furnished by U.S. Mail this 24th day of September 2005, to the following:

Martha Carter Brown, Esquire
Adrienne Vining, Esquire
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

William J. Tait, Jr., Esquire
1061 Windwood Way
Tallahassee, Florida 32311
Counsel for Calcs-Plus, Dennis J. Stroer
and Jon F. Klongerbo

By: _____



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

ORIGINAL

Exhibit C

040660-EG
040029-EG

Justification Table

CMP _____
COM _____
CTR _____
ECR 1
GCL 1
OPC _____
RCA _____
SCR _____
SGA _____
SEC 1
OTH 1 copy
records

DOCUMENT NUMBER - DATE

08441 SEP-68

FPSC-COMMISSION OF FRK

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Documents
DOCKET NO: 040660-EG & 040029-EG
DISCOVERY: Staff's 1st Request for Production of Documents
No. 1

Description	Page No.	Conf Y/N	Line No./Col No.	Florida Statute 366.093(3) Subsection	Affiant
Presentation 1	1 of 11	Y	Line 4	(e)	D. Haywood
Presentation 1	2-11 of 11	N			
Presentation 2	1 of 11	Y	Line 4	(e)	D. Haywood
Presentation 2	2-10 of 11	N			
Presentation 2	11 of 11	Y	Line 9	(e)	D. Haywood

ORIGINAL

EXHIBIT "D"

040660-EG
040029-EG

AFFIDAVIT

CMP _____

COM _____

CTR _____

ECR 1

GCL 1

OPC _____

RCA _____

SCR _____

SGA _____

SEC 1

OTH 1 copy
records

DOCUMENT NUMBER-DATE

08442 SEP-65

FPSC-COMMISSION DE FRK

BEFORE THE

FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of modifications)
to BuildSmart Program by Florida Power)
& Light Company.)

DOCKET NO. 040660-EG
DOCKET NO. 040029-EG

DATED: September 6, 2005

In re: Petition for approval of numeric)
conservation goals by Florida Power &)
Light Company.)

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

AFFIDAVIT OF DANIEL HAYWOOD

BEFORE ME, the undersigned authority, personally appeared Daniel Haywood who, being first duly sworn, deposes and says:

1. My name is Daniel Haywood. I am currently employed by Florida Power & Light Company ("FPL") as a Lead Business Specialist in the Marketing Department. My business address is 700 Universe Boulevard, Juno Beach, Florida 33408. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant and which are included in Exhibit A to FPL's Request for Confidential Classification of documents. Documents or materials that I have reviewed and which are asserted by FPL to be confidential include 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. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

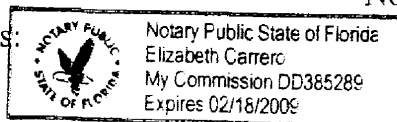
3. Affiant says nothing further.

Daniel Haywood
Daniel Haywood

SWORN TO AND SUBSCRIBED before me this 1st day of September 2005, by Daniel Haywood, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.

Elizabeth Carrero
Notary Public, State of Florida

My Commission Expires:



DOCUMENT NUMBER-DATE

08442 SEP-6 05