



Florida Power & Light Company, P. O. Box 14000, Juno Beach, FL 33408-0420  
Law Department

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

October 13, 2005

**VIA OVERNIGHT 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: Fuel and purchased power cost recovery clause with generating  
Performance incentive factor – Docket No. 050001-EI**

Dear Ms. Bayó:

Enclosed for filing is 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 the above-referenced docket. 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.

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR   1
- GCL   1
- OPC \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_ PMB/bjw  
Enclosures
- SGA \_\_\_\_\_
- SEC   1   cc: Service List
- OTH   1   leaf  
records an FPL Group company

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,  
  
Patrick M. Bryan

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

Reg CC  
DOCUMENT NUMBER-DATE

09926 OCT 14 05

FPSC-COMMISSION CLERK

ORIGINAL

RECEIVED-PPSC  
05 OCT 14 PM 3:27  
COMMISSION  
CLERK

*Confidential*  
DOCUMENT NUMBER-DATE

09927 OCT 14 05

FPSC-COMMISSION CLERK

**ORIGINAL**

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Fuel and purchased power )  
cost recovery clause with generating )  
performance incentive factor. )  
\_\_\_\_\_ )**

**Docket No. 050001-EI**

**Dated: October 13, 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 ("Staff") of the Florida Public Service Commission served on FPL in this docket. In support of its request, FPL states as follows:

1. The confidential information is contained in answers responsive to Staff's Sixth Set of Interrogatories, No.58.

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.

DOCUMENT NUMBER-DATE

09926 OCT 14 05

Page 1 of 5

FPSC-COMMISSION CLERK

(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 Walter E. Gwinn 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 information consists of confidential business information. If publicly disclosed, this information would harm the competitive interests of FPL and would impair FPL's ability to contract 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 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, Esq.  
Fla. Bar No. 0457523  
Attorneys for Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
Tel. (561) 304-5134  
Fax: (561) 691-7135

# **EXHIBIT B**

CONFIDENTIAL

A

B

C

D

1 St. Lucie Unit 2 Steam Generator Sleaving Costs - Spring 2006 Outage

2

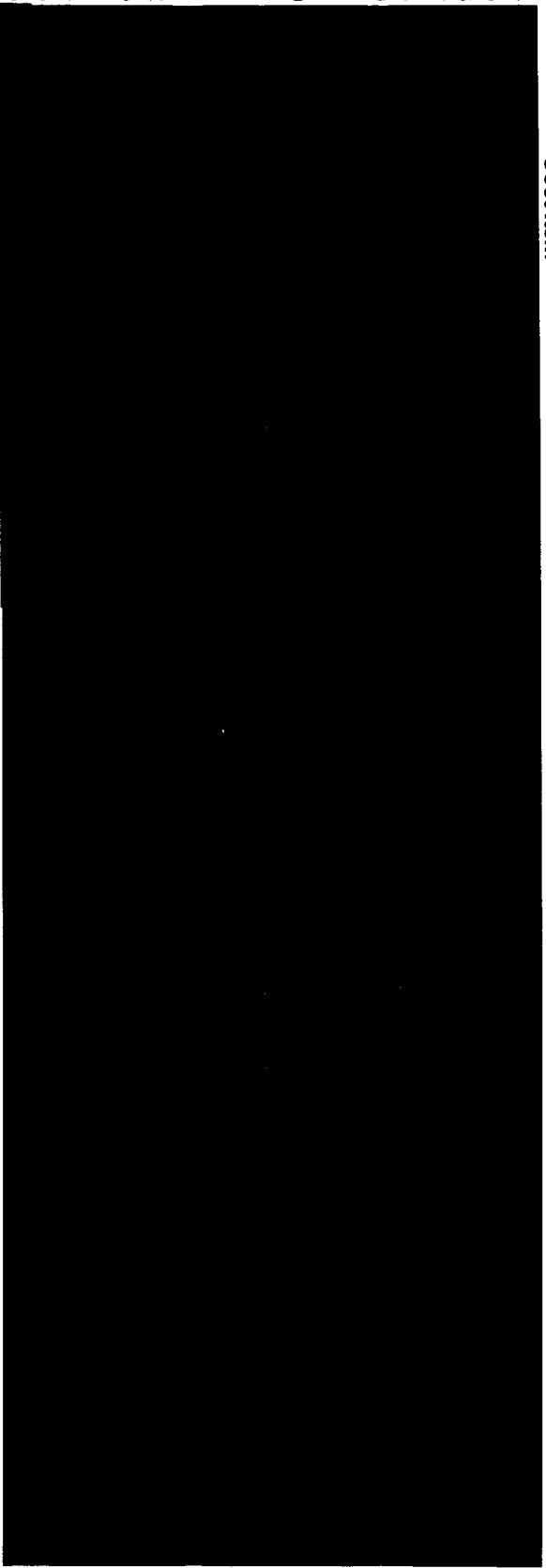
Cost Item

2005

2006

Basis

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16



# **EXHIBIT C**

**EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Documents  
**DOCKET NO.:** 050001-EI  
**DOCKET TITLE:** Levelized Fuel Cost Recovery and Capacity Cost Recovery  
**SUBJECT:** Responses to Staff's Sixth Set of Interrogatories  
**DATE:** October 14, 2005

<b>Discovery</b>	<b>Description</b>	<b>No. of Pages</b>	<b>Conf Y/N</b>	<b>Line No.</b>	<b>Florida Statute 366.093(3) Subsection</b>	<b>Affiant</b>
Staff's 6 <sup>th</sup> Set of Interrogatories	Nos. 58F Exhibit 2	1	Y	4 through 16	(d), (e)	W.E. Gwinn



# **EXHIBIT D**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power ) DOCKET NO. 050001-EI
Cost Recovery Clause with Generating )
Performance Incentive Factor ) DATED: October 12, 2005

STATE OF FLORIDA )
) AFFIDAVIT OF Walter E. Gwinn
PALM BEACH COUNTY )

BEFORE ME, the undersigned authority, personally appeared Walter E. Gwinn who, being first duly sworn, deposes and says:

1. My name is Walter E. Gwinn. I am currently employed by Florida Power & Light Company ("FPL") as Manager of Financial Performance in the Nuclear Business Unit. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the documents and information for which I am listed as Affiant in Exhibit C and which are included in Exhibit A to FPL's Request for Confidential Classification of Certain Information Responsive to Staff's Sixth Set of Interrogatories (Nos. 58). The documents and materials that I have reviewed and that FPL asserts in Exhibit C to be proprietary confidential business information. Disclosure of this information would impair the competitive interests of FPL, as well as FPL's ability to contract on favorable terms. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of eighteen (18) months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

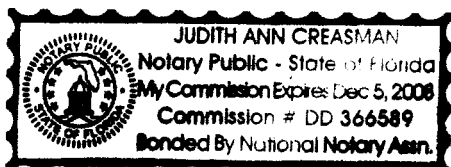
4. Affiant says nothing further.

[Handwritten signature of Walter E. Gwinn]
Walter E. Gwinn

SWORN TO AND SUBSCRIBED before me this 13th day of October 2005, by Walter E. Gwinn, who is personally known to me or who has produced (type of identification) as identification and who did take an oath.

[Handwritten signature of Notary Public]
Notary Public, State of Florida

My Commission Expires: 12/5/08



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by overnight delivery (\*) or U.S. Mail this 13<sup>th</sup> day of October, 2005 to the following:

Adrienne E. Vining, Esquire(\*)  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Charles J. Beck, Deputy Public Counsel  
Patricia A. Christensen, Esquire  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399

Lee L. Willis, Esquire  
James D. Beasley, Esquire  
Ausley & McMullen  
Attorneys for Tampa Electric  
P.O. Box 391  
Tallahassee, Florida 32302

James A. McGee, Esquire  
Progress Energy Florida, Inc.  
P.O. Box 14042  
St. Petersburg, Florida 33733

Timothy J. Perry, Esquire  
McWhirter, Reeves,  
Davidson, et al.  
Attorneys for FIPUG  
117 South Gadsden Street  
Tallahassee, Florida 32301

Norman H. Horton, Esquire  
Floyd R. Self, Esquire  
Messer, Caparello & Self  
Attorneys for FPUC  
215 South Monroe Street, Suite 701  
Tallahassee, Florida 32302-0551

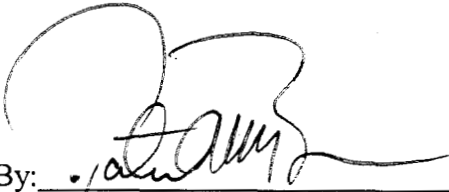
John W. McWhirter, Jr., Esquire  
McWhirter, Reeves,  
Davidson, et al.  
Attorneys for FIPUG  
P.O. Box 3350  
Tampa, Florida 33602

Jeffrey A. Stone, Esquire  
Russell A. Badders, Esquire  
Beggs & Lane  
Attorneys for Gulf Power  
P.O. Box 12950  
Pensacola, Florida 32576-2950

Jon C. Moyle, Jr. Esquire  
Moyle, Flannigan, Katz,  
Raymond & Sheehan, P.A.  
The Perkins House  
118 North Gadsden Street  
Tallahassee, Florida 32301

Robert Scheffel Wright, Esquire  
John Thomas LaVia, III, Esquire  
Landers & Parsons, P.A.  
310 West College Avenue  
Tallahassee, Florida 32301

Gary V. Perko, Esquire  
Hopping Green & Sams  
P. O. Box 6525  
Tallahassee, FL 32314

By:   
Patrick M. Bryan