



ORIGINAL

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COMMISSION
CLERK

November 3, 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 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 of Certain Information Responsive to Staff's First Set of Production of Documents. 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 affidavits 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,

Patrick M. Bryan

- CMP _____
- COM _____
- CTR _____
- ECR 1
- SCL 1
- DPC _____
- RCA _____
- SCR _____
- SGA _____
- SEC 1
- OTH 1 conf records

PMB/ec
Enclosures
cc: Service List

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DAT

10694 NOV-3 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: November 3, 2005

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
CERTAIN INFORMATION RESPONSIVE TO
STAFF'S FIRST SET OF PRODUCTION OF DOCUMENTS**

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 First Set of Production of Documents, Nos. 2, 3, 6, and 7.

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

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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) Composite Exhibit D consists of the affidavits of Walter E. Gwinn, Pamela Sonnelitter, and Gerard J. Yupp 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 indicate, 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,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification without exhibits has been furnished by overnight delivery (*) or U.S. Mail this 3rd day of November, 2005 to the following:

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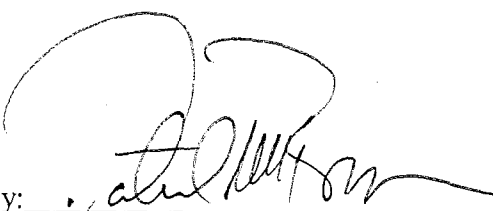
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By: 
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