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November 22, 2005

**-VIA HAND DELIVERY-**

Blanca S. Bayó  
Director, Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

**Re: Docket No. 050001-EI**

Dear Ms. Bayó:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's Request for Confidential Classification of Yupp Late Filed Deposition Exhibits 1 and 2, together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows XP, and the word processing software in which the documents appear is Word 2000. Pursuant to Rule 25-22.006, F.A.C., I am also enclosing one highlighted and two redacted copies of the confidential documents that are the subject of this request.

If there are any questions regarding this transmittal, please contact me at 305-577-2939.

Sincerely,



John T. Butler

Enclosure

cc: Counsel for Parties of Record (w/encl.)

DOCUMENT NUMBER-DATE

11198 NOV 22 05

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power                    )     DOCKET NO. 050001-EI  
Cost Recovery Clause with Generating            )       
Performance Incentive Factor                    )     FILED: November 22, 2005

**REQUEST OF FLORIDA POWER & LIGHT COMPANY  
FOR CONFIDENTIAL CLASSIFICATION OF  
YUPP LATE FILED DEPOSITION EXHIBITS 1 AND 2**

Florida Power & Light Company (“FPL”), pursuant to Rule 25-22.006, F.A.C., and Section 366.093, Florida Statutes, hereby requests confidential classification of certain information contained in late filed exhibits 1 and 2 to the deposition of FPL witness Gerard Yupp (“LFX 1 and 2”), which was taken on October 20, 2005 by the Commission Staff . In support of its Request, FPL states as follows:

1.     At Mr. Yupp’s deposition, Staff asked FPL to proved late-filed exhibits showing its mark-to-market positions for natural gas as of October 20, 2005 (LFX 1) and its monthly natural gas commodity price and natural gas transportation price forecast that were reflected in the September 9, 2005 projection filing in this docket (LFX 2). FPL considers certain information in LFX 1 and 2 to be confidential, so when it provided those exhibits to Staff on October 31, 2005 it simultaneously filed a Notice of Intent to Request Confidential Classification. This Request is intended as the formal request for confidential classification with respect to LFX 1 and 2 that is contemplated by Rule 25-22.006(3).

2.     The following exhibits, which are included herewith and made a part hereof, document and support this Request:

a. Composite Exhibit A is a copy of LFX 1 and 2 on which all information that FPL asserts is entitled to confidential treatment has been highlighted. Composite Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

b. Composite Exhibit B is an edited version of LFX 1 and 2 on which all information FPL asserts is entitled to confidential treatment has been redacted.

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, together with references to the specific statutory basis for the claim of confidentiality.

d. Exhibit D is the affidavit of Gerard Yupp, who attests to the basis for FPL's requesting confidential classification.

3. The information highlighted in Exhibit A is proprietary confidential business information within the meaning of section 366.093(3). Pursuant to section 366.093, such information is entitled to confidential treatment and is exempt from the disclosure provisions of the public records law. Once the Commission determines that the information in question is proprietary confidential business information: (a) 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; and (b) the information 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. *See* §366.093(4), Fla. Stat.

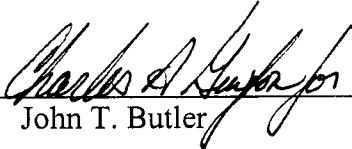
**WHEREFORE**, Florida Power & Light Company respectfully requests that this Request be granted.

Respectfully submitted,

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Attorneys for Florida Power & Light  
Company

By:   
John T. Butler

## CERTIFICATE OF SERVICE

Docket No. 050001-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Request of Florida Power & Light Company for Confidential Classification of Yupp Late Filed Deposition Exhibits 1 and 2 has been served by hand delivery (\*) or United States Mail this 22<sup>nd</sup> day of November, 2005, to the following:

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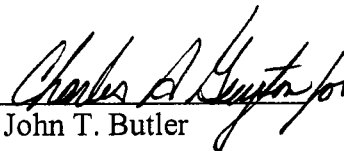
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