

ORIGINAL

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November 22, 2005

-VIA OVERNIGHT DELIVERY-

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

COMMISSION CLERK

NOV 23 PM 1:40

RECEIVED-FISC

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 Hearing Exhibit 91, 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 document that is the subject of this request.

- CMP
CCM
DTR
ECR
BCL
DPC
RCA
SCR
IGA
IEC

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

Sincerely,

John T. Butler (with signature)

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

1 conf records

DOCUMENT NUMBER-DATE

11227 NOV 23 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 23, 2005

**REQUEST OF FLORIDA POWER & LIGHT COMPANY FOR
CONFIDENTIAL CLASSIFICATION OF HEARING EXHIBIT 91**

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 Hearing Exhibit 91 ("HE 91"), which was made part of the record of the hearing held in the above docket on November 7-9, 2005 (the "Hearing"). In support of its Request, FPL states as follows:

1. HE 91, entitled "Two-Year O&M Request Versus Target," consists of three pages, Bates numbered FCR-00437, 00470 and 00471, that were produced to the Office of Public Counsel ("OPC") in response to OPC's Third Request for Production of Documents. Those pages were designated as confidential at the time of production to OPC and were the subject of a motion for temporary protective order filed by FPL on October 20, 2005, which was granted by Order No. PSC-05-1083-PCO-EI, dated November 2, 2005. OPC informed FPL that it intended to use the three pages at the Hearing. FPL filed a motion for protective order, dated November 4, 2005, concerning their use, which was granted by the Commission orally at the beginning of the Hearing. Tr. 12. During the Hearing, OPC had the three pages marked as HE 91, which was admitted into the record. This Request is being made within twenty-one days following the Hearing and is intended to request confidential classification of HE 91 as part of the Commission's record in this docket, consistent with Rule 25-22.006(8).

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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 HE 91 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 HE 91 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 Walter E. Gwinn, 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: Karl M. Rubin for JTB
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 Hearing Exhibit 91 has been served by overnight delivery (*) or United States Mail this 22nd day of November, 2005, to the following:

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