



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

**ORIGINAL**

RECEIVED FPSC  
 05 MAR -3 PM 2:05

COMMISSION  
 CLERK

March 3, 2006

**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 First Request for Extension of  
 Confidential Classification Granted by Order No. PSC-04-0866-CFO-EI  
 in Docket No. 040001-EI**

Dear Ms. Bayó:

I enclose and hand you herewith for filing in the above-referenced matter, the original and two (2) copies of Florida Power & Light Company's ("FPL") First Request for Extension of Confidential Classification of Materials provided in Audit No. 04-023-4-1 (FPL Fuel Cost Recovery Clause Audit for the Year ended December 31, 2003). The original includes revised Exhibits A, B, C and D. The two copies include only revised Exhibits B, C, and D.

Revised Exhibit A contains the confidential information that is the subject of FPL's First Request for Extension of Confidential Classification. Revised Exhibit A is submitted for filing in a separate, sealed folder marked "Revised Exhibit A – CONFIDENTIAL DOCUMENTS." Revised Exhibit B is an edited version of the Revised Exhibit A, in which the information FPL asserts is confidential has been redacted. Revised Exhibit C is identical to the Revised Exhibit submitted with the August 9, 2004 filing. It contains FPL's justification for its request for confidential classification. Revised Exhibit D contains an affidavit in support of FPL's First Request for Extension of Confidential Classification. Also included is a computer diskette containing the electronic version of FPL's First Request for Extension and Revised Exhibit C in Word format.

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL 1
- DPC \_\_\_\_\_
- RCA 1
- SCR \_\_\_\_\_
- SGA \_\_\_\_\_
- SEC 1
- JTH 1

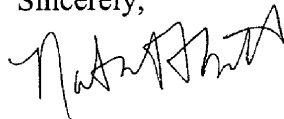
RECEIVED & FILED  
  
 FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
 01887 MAR-3 06  
 FPSC-COMMISSION CLERK

Ms. Blanca S. Bayó, Director  
Division of the Commission Clerk and  
Administrative Services  
Florida Public Service Commission  
March 3, 2006  
Page 2

Pursuant to rule 25-22.006(3)(d) of the Florida Administrative Code, FPL requests confidential treatment of the documents in Revised Exhibit A pending disposition of FPL's First Request for Extension of Confidential Classification. Please contact me if you have questions regarding this filing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Natalie F. Smith', written in a cursive style.

Natalie F. Smith

NFS:ec  
Enclosures

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: First Request for Extension of ) DOCKET NO. 060001-EI  
Confidential Classification Granted by )  
Order No. PSC-04-0866-CFO-EI )  
in Docket No. 040001-EI ) FILED: March 3, 2006  
\_\_\_\_\_ )

**FIRST REQUEST FOR EXTENSION OF  
CONFIDENTIAL CLASSIFICATION GRANTED BY  
ORDER NO. PSC-04-0866-CFO-EI IN DOCKET NO. 040001-EI**

**NOW, BEFORE THE COMMISSION**, through undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to rule 25-22.006 of the Florida Administrative Code and section 366.093 of the Florida Statutes, hereby submits its First Request for Extension of Confidential Classification of certain portions of Staff's audit report and working papers in Audit No. 04-023-4-1 (FPL Fuel Cost Recovery Clause Audit for the Year ended December 31, 2003) (the "Audit"). In support of its First Request, FPL states as follows:

I. Petitioner's name and address are:

Florida Power & Light Company  
P.O. Box 029100  
Miami, Florida 33102-9100

Orders, notices, or other pleadings related to this request should be served on:

William G. Walker, III  
Florida Power & Light Company  
Vice President  
215 South Monroe Street, Suite 810  
Tallahassee, Florida 32301-1859  
(850) 521-3910 Telephone  
(850) 521-3939 Facsimile

R. Wade Litchfield, Associate General Counsel  
Natalie F. Smith, Principal Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
(561) 691-7100 Telephone  
(561) 691-7135 Facsimile

DOCUMENT NUMBER-DATE

01887 MAR-3 8

FPSC-COMMISSION CLERK

2. On May 17, 2004, and Amended on August 9, 2004, FPL filed its Request for Confidential Classification of certain materials obtained during the Audit. FPL's initial filing consists of the Request for Confidential Classification and Exhibits A through D.

3. By Order No. PSC-04-0866-CFO-EI, dated September 3, 2004, the Commission granted FPL's request.

4. The period of confidential treatment granted by the Commission will soon expire. The information that was the subject of FPL's May 17, 2004 Request, and Amended on August 9, 2004, warrants continued treatment as proprietary and confidential business information with the meaning of Section 366.093. Accordingly, FPL hereby submits its First Request for Extension of Confidential Classification.

5. Attached is a revised Exhibit A, which is a highlighted copy of the working papers from FPL's May 17, 2004 filing, reflecting the information that continues to be confidential. Also attached is a revised Exhibit B, which is a redacted copy of the working papers from the May 17, 2004 request. FPL requests that revised Exhibits A and B substitute and replace the Exhibits A and B submitted with its May 17, 2004 request, and that the Exhibits A and B submitted on May 17, 2004 be returned to FPL.

6. Attached is Revised Exhibit C which is identical to the Revised Exhibit submitted with the August 9, 2004 filing. Revised Exhibit C consists of a revised justification table listing by page and line the information for which an extension of confidential classification is sought with the name of the affiant.

7. Also attached is an Exhibit D. Exhibit D consists of the Affidavit of Gerard J. Yupp which Affidavit shall replace Exhibit D previously filed.

8. FPL submits that such information is proprietary confidential business information within the meaning of section 366.093(3). Pursuant to section 366.093, such materials are entitled to confidential treatment and are 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.

9. The statutory bases for FPL's assertion of confidentiality with regard to each document or portion thereof are set forth in the justification table under the column titled "FLORIDA STATUTE 366.093(3)." The letters (a) through (e) refer to subsections of section 366.093(3), as applicable. Support for FPL's First Request for Extension of Confidential Classification of the referenced material is provided through the affidavit. The justification table identifies the affiant attesting to the basis for FPL's assertion of confidentiality with regard to each document or portion thereof.

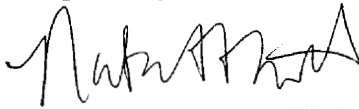
10. The information FPL asserts is proprietary and confidential business information, described in Exhibits C and D, includes vendor-specific information and detailed procurement information primarily related to FPL's overall procurement practices and strategies. Certain of the information is designated confidential because it may be associated with other non-confidential data to arrive at a result that is confidential, proprietary business information to FPL and its third-party vendors. The disclosure of this sensitive contractual information could inhibit FPL's ability to contract with vendors on favorable terms in the future, and may impair the competitive interests of those vendors. This type of confidential information is protected against disclosure by Section 366.093(3)(d).

11. In addition, the confidential information includes information related to competitive interests, the disclosure of which would impair FPL's competitive business. This confidential information is protected against disclosure by Section 366.093(3)(e). Certain information related to vendor-specific pricing, and hedging and employee relocation expenditures deserves protection under this category of proprietary business information because this information, if disclosed, could place FPL at a competitive disadvantage.

12. As reflected by the renewed affidavit submitted as Exhibit D, nothing has changed since the issuance of Order No. PSC 04-0866-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, FPL requests that the information be accorded confidential classification for an additional eighteen month period. FPL further requests that the information be returned to FPL as soon as it 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 affidavit included herewith or incorporated herein by reference, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification be granted.

Respectfully submitted,



---

Natalie F. Smith  
Attorney 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, **THE UNDERSIGNED COUNSEL, HEREBY CERTIFY** that a copy of Florida Power & Light Company's First Request for Extension for Confidential Classification without exhibits, has been served via first class mail, postage prepaid to the parties listed below, this 3<sup>rd</sup> day of March, 2006:

Jennifer A. Rodan, Attorney  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

AARP(Twomey)  
c/o Mike B. Twomey  
P. O. Box 5256  
Tallahassee, FL 32314-5256

Ausley Law Firm  
Lee L. Willis/James D. Beasley  
P.O. Box 391  
Tallahassee, FL 32302

Beggs & Lane Law Firm  
J. Stone/R. Badders/S. Griffin  
P.O. Box 12950  
Pensacola, FL 32591-2950

Federal Executive Agencies  
Lt. Col. K. White/Capt. D. Williams  
c/o AFLSA/JACL-ULT  
139 Barnes Drive, Suite 1  
Tyndall AFB, FL 32403-5319

Florida Industrial Power Users Group  
(McWhirter)  
John W. McWhirter, Jr.  
c/o McWhirter Reeves  
400 North Tampa Street, Suite 2450  
Tampa, FL 33602

Florida Public Utilities Company  
Ms. Cheryl Martin  
P.O. Box 3395  
West Palm Beach, FL 33402-3395

Florida Retail Federation  
100 E. Jefferson St.  
Tallahassee, FL 32301

Gulf Power Company  
Ms. Susan D. Ritenour  
One Energy Place  
Pensacola, FL 32520-0780

McWhirter Law Firm  
Timothy J. Perry  
117 South Gadsden Street  
Tallahassee, FL 32301

Messer Law Firm  
Norman H. Horton, Jr.  
P.O. Box 1876  
Tallahassee, FL 32302-1876

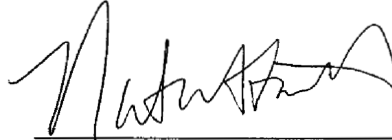
Office of Public Counsel  
P. Christensen/C. Beck/J. McGlothlin  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400

Progress Energy Florida, Inc.  
Mr. Paul Lewis, Jr.  
106 East College Avenue, Suite 800  
Tallahassee, FL 32301-7740

Tampa Electric Company  
Ms. Angela Llewellyn  
Regulatory Affairs  
P. O. Box 111  
Tampa, FL 33601-0111

Progress Energy Service Company, LLC  
John T. Burnett  
P.O. Box 14042  
Saint Petersburg, FL 33733

Young Law Firm  
R. Scheffel Wright/John LaVia  
225 South Adams Street, Suite 200  
Tallahassee, FL 32301



---

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



REVISED 8/5/04

EXHIBIT C

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Workpapers  
**AUDIT:** FPL., Fuel Adjustment Cost Recovery Clause Audit from  
January 1 – December 31, 2003  
**AUDIT CONTROL NO:** 04-023-4-1

Workpaper No.	Description	No. of Pages	Conf Y/N	Line No./Col No.	Florida Statute 366.903(3) Subsection	Affiant
1	Report	4	N N N Y   N	p. 1 p. 2 p. 3 p. 4, lines 25, 28-29 p. 5, line 3 p. 6, lines 3, 5-6, 12 p. 7	(d)	G. Yupp

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power ) DOCKET NO. 060001-EI
Cost Recovery Clause and Generating )
Performance Incentive Factor ) FILED: March 3, 2006

STATE OF FLORIDA )
) AFFIDAVIT OF GERARD J. YUPP
PALM BEACH COUNTY )

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

1. My name is Gerard Yupp. I am currently employed by Florida Power & Light Company ("FPL") as Director of Wholesale Operations in the Energy Marketing and Trading Division. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C and the documents which are included in Exhibit A to FPL's Request for Confidential Classification of Materials Provided in Florida Power & Light Company's Response to Audit Report (Audit Control No. 04-023-4-1). The document and materials that I have reviewed and that FPL asserts in Exhibit C to be proprietary confidential business information include but are not limited to: vendor-specific pricing information and certain hedging-related expenditures, relate to competitive interests, the disclosure of which may impair FPL's competitive business. Some of the data included in Exhibit A contains vendor-specific information and is related to FPL's procurement practices. Disclosure of this information would impair the competitive interest 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. No significant changes have occurred since the issuance of Order No. PSC-04-0866-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than eighteen months. In addition, these materials 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 Gerard J. Yupp over a horizontal line, with the printed name Gerard J. Yupp below it.

SWORN TO AND SUBSCRIBED before me this 27th day of February 2006, by Gerard Yupp, who is personally known to me or who has produced (Handwritten name) as identification and who did take an oath.

Handwritten signature of Marie B. Lopez over a horizontal line, with the printed name Notary Public, State of Florida below it.

My Commission Expires:

