

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 060001-EI
Filed: April 3, 2006

**FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF FUEL HEDGING INFORMATION**

Florida Power & Light Company ("FPL"), pursuant to Rule 25-22.006, F.A.C., and Section 366.093, Florida Statutes, requests confidential classification of certain information on fuel hedging activities and market comparisons that is contained in Documents GJY-1 and GJY-2 to the prepared testimony of Gerard Yupp (the "Fuel Hedging Information"). In support of its Request, FPL states as follows:

1. Contemporaneously with this request, FPL is filing Mr. Yupp's prepared testimony, including Documents GJY-1 and GJY-2. This Request is intended to request confidential classification of the Fuel Hedging Information consistent with Rule 25-22.006.

2. The following exhibits are included with this Request:

a. Exhibit A consists of a copy of Documents GJY-1 and GJY-2, in which all of the Fuel Hedging Information has been highlighted. Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

b. Composite Exhibit B consists of two copies of Documents GJY-1 and GJY-2 in which all of the Fuel Hedging Information has been redacted.

c. Exhibit C is a table containing a line-by-line and page-by-page identification of Fuel Hedging Information, together with references to the specific statutory basis for the claim of confidentiality and to the affidavit in support of the requested classification.

DOCUMENT NUMBER-DATE

02954 APR-3 06

FPSC-COMMISSION CLERK

d. Exhibit D consists of the affidavit of Mr. Yupp, who is the Director of Wholesale Operations in FPL's Energy Marketing and Trading Division. The affidavit attests to the asserted bases for confidential classification.

3. FPL seeks confidential protection for the Fuel Hedging Information because it comprises trade secrets of FPL, which allow FPL to purchase and sell fuel and electric power on favorable terms for FPL and its customers. The disclosure of that trade-secret information would provide other participants in the fuel and electric power markets insight into FPL's marketing and trading practices that would allow them to anticipate FPL's marketing and trading decisions and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers. *See* § 366.093(3)(a), Fla. Stat (2005).

4. FPL submits that the highlighted Fuel Hedging Information 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.

5. The Fuel Hedging Information in Exhibit A is intended to be and is treated by FPL as private, and its confidentiality has been maintained.

6. Upon a finding by the Commission that the Fuel Hedging Information in Exhibit A 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 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, FPL respectfully requests confidential classification of the Fuel Hedging Information.

Respectfully submitted,

R. Wade Litchfield, Esq.
Associate General Counsel
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: 561-691-7101
Facsimile: 561-691-7135

John T. Butler, Esq.
Squire Sanders & Dempsey, LLP
200 South Biscayne Boulevard
Suite 4000
Miami, FL 33131-2398
Telephone: 305-577-7000
Facsimile: 305-577-7001

Attorneys for Florida Power & Light
Company

By: *Korel M. Dubin for JTB*
John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE
Docket No. 060001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification of Fuel Hedging Information has been furnished by overnight delivery (*) or United States Mail on this 31st day of March 2006, to the following:

Jennifer Rodan, Esq. *
Wm. Cochran Keating IV, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Charles J. Beck, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399

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

John T. Burnett, Esq.
Progress Energy Service Company, LLC
P.O. Box 14042
St. Petersburg, Florida 33733-4042

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

Norman H. Horton, Jr., Esq.
Floyd R. Self, Esq.
Messer, Caparello & Self
Attorneys for FPUC
P.O. Box 1876
Tallahassee, Florida 32302-1876

John W. McWhirter, Jr., Esq.
McWhirter, Reeves, McGlothlin,
Davidson, et al.
Attorneys for FIPUG
400 North Tampa Street, Suite 2450
Tampa, Florida 33602

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

Capt. Damund E. Williams
Lt. Col. Karen S. White
AFLSA/JACL - ULT
139 Barnes Drive
Tyndall Air Force Base, FL 32403-5319

Michael B. Twomey, Esq.
Post Office Box 5256
Tallahassee, Florida 32314-5256
Attorney for AARP

Robert Scheffel Wright, Esq.
John T. LaVia, III, Esq.
Young van Assenderp, P.A.
Attorneys for Florida Retail Federation
225 South Adams Street, Suite 200
Tallahassee, FL 32301

By: Kouel M. Dahi for JTB
John T. Butler

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Documents
DOCKET NO.: 060001-EI
DOCKET TITLE: Fuel and Purchased Power Cost Recovery Clause
SUBJECT: Fuel Hedging Information
DATE: April 3, 2006

Document	Page No.	Description	No. of Pages	Conf. Y/N	LINE NO./ COL. NO.	FLORIDA STATUTE 366.093(3) Subsection:	AFFIANT
GJY-1	1	2005 Total - FPL Natural Gas Procurement	1	Y	Lines 4-11, Col C-F Line 12, Col C-E Line 14, Col C Line 15, Col C-D	(a)	G. Yupp
GJY-1	2	2005 Total - FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-11, Col C-F Line 12, Col C-E Line 15, Col C-D	(a)	G. Yupp
GJY-1	3	2005 Total - Electricity	1	Y	Lines 4-11, Col C-F Line 12, Col C-D Line 14, Col C-D	(a)	G. Yupp
GJY-1	4	January 2005 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	5	January 2005 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	6	January 2005 Electricity	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	7	February 2005 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	8	February 2005 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	9	February 2005 Electricity	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp

EXHIBIT C

Document	Page No.	Description	No. of Pages	Conf. Y/N	LINE NO./ COL. NO.	FLORIDA STATUTE 366.093(3) Subsection:	AFFIANT
GJY-1	10	March 2005 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	11	March 2005 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	12	March 2005 Electricity	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	13	April 2005 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	14	April 2005 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	15	April 2005 Electricity	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	16	May 2005 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	17	May 2005 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	18	May 2005 Electricity	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	19	June 2005 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	20	June 2005 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	21	June 2005 Electricity	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	22	July 2005 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp

EXHIBIT C

Document	Page No.	Description	No. of Pages	Conf. Y/N	LINE NO./ COL. NO.	FLORIDA STATUTE 366.093(3) Subsection:	AFFIANT
GJY-1	23	July 2005 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	24	July 2005 Electricity	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	25	August 2005 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	26	August 2005 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	27	August 2005 Electricity	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	28	September 2005 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	29	September 2005 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	30	September 2005 Electricity	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	31	October 2005 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	32	October 2005 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	33	October 2005 Electricity	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	34	November 2005 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	35	November 2005 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp

EXHIBIT C

Document	Page No.	Description	No. of Pages	Conf. Y/N	LINE NO./ COL. NO.	FLORIDA STATUTE 366.093(3) Subsection:	AFFIANT
GJY-1	36	November 2005 Electricity	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	37	December 2005 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	38	December 2005 FPL Heavy Fuel Oil Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-1	39	December 2005 Electricity	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-2	1	2004 Total - FPL Natural Gas Procurement	1	Y	Lines 4-11, Col C-F Line 12, Col C-E Line 14, Col C Line 15, Col C-D	(a)	G. Yupp
GJY-2	2	January 2004 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-2	3	February 2004 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-2	4	March 2004 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-2	5	April 2004 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-2	6	May 2004 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-2	7	June 2004 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-2	8	July 2004 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp

EXHIBIT C

Document	Page No.	Description	No. of Pages	Conf. Y/N	LINE NO./ COL. NO.	FLORIDA STATUTE 366.093(3) Subsection:	AFFIANT
GJY-2	9	August 2004 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-2	10	September 2004 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-2	11	October 2004 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-2	12	November 2004 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp
GJY-2	13	December 2004 FPL Natural Gas Procurement	1	Y	Lines 4-12, Col C-F	(a)	G. Yupp

EXHIBIT D

BEFORE THE FLORIDA
PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power)
Cost Recovery Clause With)
Generating Performance Incentive)
Factor)

Docket No: 060001-E1

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

AFFIDAVIT OF GERARD YUPP

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 the documents and information included in Exhibit A to FPL's Request for Confidential Classification. The documents and materials in Exhibit A which are asserted by FPL to be proprietary confidential business information are comprised of trade secrets of FPL, which allow FPL to purchase and sell fuel and electric power on favorable terms for FPL and its customers. The disclosure of this trade-secret information would provide other participants in the fuel and electric power markets insight into FPL's marketing and trading practices that would allow them to anticipate FPL's marketing and trading decisions and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers. 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 not less than 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.

Gerard J. Yupp
Signature of Affiant

Gerard J. Yupp
Print Name

SWORN TO AND SUBSCRIBED before me this 30th day of March, 2006, by Gerard J. Yupp, who is personally known to me or who has produced personally known (type of identification) as identification and who did take an oath.

Marie B. Lopez
Notary Public, State of Florida

My Commission Expires: 7/17/08

