



ORIGINAL

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

05 APR -3 PM 4:39

COMMISSION
CLERK

April 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 Request for Confidential Classification of
Certain Materials Provided in Connection with the Storm Damage Cost Recovery
Supplemental Audit No. 05-292-4-1 – Docket 060038-EI**

Dear Ms. Bayó:

Enclosed for filing are the original and two (2) copies of Florida Power & Light Company's (FPL's) Request for Confidential Classification of Information Provided in connection with the Storm Damage Cost Recovery Supplemental Audit No. 05-292-4-1. The original includes Exhibits A, B, C and D. The two copies only include Exhibit C.

Exhibit A consists of copies of certain documents obtained in connection with the above-referenced audit on which all information 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,

Natalie F. Smith

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL 1 _____
- OPC _____
- RCA 1 _____
- SCR _____
- SGA _____
- SEC 1 _____
- OTH 1 copy _____

NFS:ec
Enclosures

records

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

02988 APR-3 06

FPSC-COMMISSION CLERK

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's)
Petition for Issuance of a Storm Recovery)
Financing Order)
_____)

Docket No: 060038-EI
Filed: April 3, 2006

**REQUEST FOR CONFIDENTIAL
CLASSIFICATION OF CERTAIN MATERIALS
PROVIDED IN CONNECTION WITH THE STORM DAMAGE
COST RECOVERY SUPPLEMENTAL AUDIT NO. 05-292-4-1**

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 work papers provided to the Florida Public Service Commission ("FPSC" or "Commission") staff ("Staff") in connection with the Storm Damage Cost Recovery Supplemental Audit No. 05-292-4-1 (hereinafter the "Audit"). In support of its request, FPL states as follows:

1. During the Audit, Staff requested access to various FPL reports and other documents. By letter dated March 13, 2006, Staff indicated its intent to retain certain audit work papers. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL was given 21 days from the date of the letter, or until April 3, 2006, to file a formal request for confidential classification with respect to such workpapers.

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.

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. Exhibit D includes the affidavits of Robert H. Adams, Jr., W.E. Gwinn, Gary McBean, Robert Onsgard, Pamela L. Sonnelitter, Edward Bowman, and Keith White 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 of Robert H. Adams, Jr., W.E. Gwinn, Gary McBean, Robert Onsgard, Pamela L. Sonnelitter, Edward Bowman and Keith White indicate, certain highlighted information consists of contractual vendor data, such as pricing and other terms, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms in

the future to the detriment of FPL and its customers. This information is protected by Section 366.093(3)(d), Florida Statutes. In addition, certain information is competitively sensitive insofar as FPL's contractors and vendors are concerned because disclosure of such information could afford their competitors an unfair advantage in competing for both FPL and non-FPL contracts. This competitively sensitive information is proprietary confidential business information pursuant to Section 366.093(3)(e), Florida Statutes. Additionally, certain information claimed confidential contains or constitutes reports of internal auditors, which are protected under Section 366.093(3)(b), Florida Statutes. Other sensitive information includes employee personnel information, the disclosure of which could impair employees' personal right to privacy. This information is protected by Section 366.093(3)(f), Florida Statutes. Finally, certain data constitutes trade secrets protected by Section 366.093(3)(a), 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,

R. Wade Litchfield
Bryan Anderson
Patrick Bryan
Natalie F. Smith
Attorneys for Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420

fox By: *Natalie F. Smith*
Natalie F. Smith

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Request for Confidential Classification without Exhibits A, B, and D, was served by United States Mail this 3rd day of April, 2006, to the following:

Wm. Cochran Keating, IV, Esquire
Florida Public Service Commission
Division of Legal Services
Gerald L. Gunter Building
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Harold A. McLean, Esquire
Charles J. Beck, Esquire
Joseph A. McGlothlin, Esquire
Patricia A. Christensen, Esquire
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400

John W. McWhirter, Esquire
McWhirter, Reeves, & Davidson, P.A.
400 North Tampa Street, Suite 2450
Tampa, Florida 33602
Attorneys for the Florida Industrial Power
Users Group

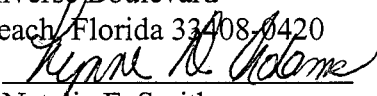
Timothy J. Perry, Esquire
McWhirter, Reeves, & Davidson, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301
Attorneys for the Florida Industrial Power
Users Group

Michael B. Twomey, Esquire
P.O. Box 5256
Tallahassee, Florida 32314-5256
Attorney for AARP

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

Lieutenant Colonel Karen White *
and Captain Damund Williams
AFCESA/ULT
139 Barnes Drive
Tyndall Air Force Base, Florida 32403
Attorneys for the Federal Executive Agencies

Respectfully submitted,

R. Wade Litchfield
Bryan Anderson
Patrick Bryan
Natalie F. Smith
Attorneys for Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
By: 
Natalie F. Smith

* Indicates not an official party of record as of the date of this filing

EXHIBIT D

BEFORE THE

FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's petition) Docket No. 060038-EI
for issuance of a storm recovery financing order) Filed: April 3, 2006

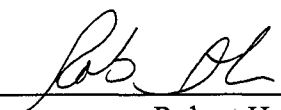
STATE OF FLORIDA)
)
COUNTY OF MIAMI DADE) **AFFIDAVIT OF ROBERT H. ADAMS, JR.**

BEFORE ME, the undersigned authority, personally appeared Robert H. Adams, Jr. who, being first duly sworn, deposes and says:

1. My name is Robert H. Adams, Jr. I am currently employed by Florida Power & Light Company ("FPL") as Director, Cost and Performance in the Power Systems Division. My business address is 9250 W. Flagler Street, Miami, FL 33174. I have personal knowledge of the matters stated in this affidavit.

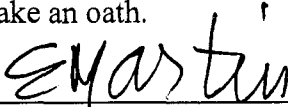
2. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant and which are included in Exhibit A to FPL's Request for Confidential Classification regarding Audit No. 05-292-4-1 ("FPL's Request for Confidential Classification"). Documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute contractual vendor data, such as pricing and other terms, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms in the future to the detriment of FPL and its customers. Additionally, certain information claimed confidential contains or constitutes competitively sensitive data, the disclosure of which could impair the competitive business of the provider of the information. Further, certain information claimed confidential contains or constitutes employee personnel information, the disclosure of which could impair employees' personal right to privacy. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Affiant says nothing further.



Robert H. Adams, Jr.

SWORN TO AND SUBSCRIBED before me this 31st day of March 2006, by Robert H. Adams, Jr., who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.



NOTARY PUBLIC, STATE OF FLORIDA
E. Martin
Commission # DD372939
Expires: NOV. 17, 2008

My Commission Expires:

EXHIBIT D

BEFORE THE

FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's petition) Docket No. 060038-EI
for issuance of a storm recovery financing order) Filed: April 3, 2006

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

AFFIDAVIT OF W. E. GWINN

BEFORE ME, the undersigned authority, personally appeared W. E. Gwinn who, being first duly sworn, deposes and says:

1. My name is W. E. Gwinn. I am currently employed by Florida Power & Light Company ("FPL") as Manager of Nuclear Finance. My business address is 700 Universe Boulevard, Juno Beach, FL 33408. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant and which are included in Exhibit A to FPL's Request for Confidential Classification regarding Audit No. 05-292-4-1 ("FPL's Request for Confidential Classification"). Documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute contractual vendor data, such as pricing and other terms, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms in the future 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. Affiant says nothing further.

[Handwritten signature of W. E. Gwinn]
W. E. Gwinn

SWORN TO AND SUBSCRIBED before me this 31st day of March 2006, by W. E. Gwinn, who is personally known to me or who has produced Personally Known (type of identification) as identification and who did take an oath.

[Handwritten signature of Notary Public]
Notary Public, State of Florida

My Commission Expires:

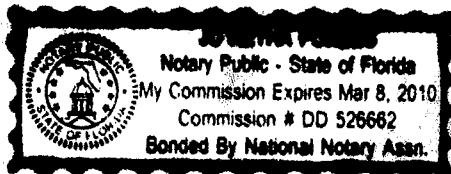


EXHIBIT D

BEFORE THE

FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's petition) Docket No. 060038-EI
for issuance of a storm recovery financing order) Filed: April 3, 2006

STATE OF FLORIDA)
) AFFIDAVIT OF GARY MCBEAN
COUNTY OF PALM BEACH)

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

1. My name is Gary McBean. I am currently employed by Florida Power & Light Company ("FPL") as Sr Human Resources Manager. My business address is 700 Universe Boulevard, Juno Beach, FL 33408. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant and which are included in Exhibit A to FPL's Request for Confidential Classification regarding Audit No. 05-292-4-1 ("FPL's Request for Confidential Classification"). Documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute employee personnel information, the disclosure of which could impair employees' personal right to privacy. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Affiant says nothing further.

[Handwritten signature of Gary McBean]
Gary McBean

SWORN TO AND SUBSCRIBED before me this 31st day of March 2006, by Gary McBean, who is personally known to me.

[Handwritten signature of Ariene Y Tackett]
Notary Public, State of Florida

My Commission Expires:

August 9, 2007

Ariene Y Tackett
My Commission DD226842
Expires August 09, 2007

Affiant Personally Known

EXHIBIT D

BEFORE THE

FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's petition) Docket No. 060038-EI
for issuance of a storm recovery financing order) Filed: April 3, 2006

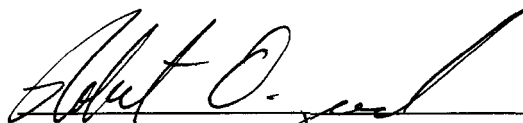
STATE OF FLORIDA)
) **AFFIDAVIT OF ROBERT ONGSARD**
COUNTY OF MIAMI-DADE)

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

1. My name is Robert Onsgard. I am currently employed by Florida Power & Light Company ("FPL") as Manager of Internal Auditing. My business address is 9250 West Flagler Street, Miami, FL 33174. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant and which are included in Exhibit A to FPL's Request for Confidential Classification regarding Audit No. 05-292-4-1 ("FPL's Request for Confidential Classification"). Documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute reports of internal auditors. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Affiant says nothing further.



Robert Onsgard

SWORN TO AND SUBSCRIBED before me this 31st day of March 2006, by Robert Onsgard, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.



Notary Public, State of Florida

My Commission Expires:

NOTARY PUBLIC-STATE OF FLORIDA
E. Martin
Commission #DD372939
Expires: NOV 17, 2008
Bonded Thru Atlantic Bonding Co., Inc.

EXHIBIT D

BEFORE THE

FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's petition) Docket No. 060038-EI
for issuance of a storm recovery financing order) Filed: April 3, 2006

STATE OF FLORIDA)
) AFFIDAVIT OF PAMELA L. SONNELITTER
COUNTY OF PALM BEACH)

BEFORE ME, the undersigned authority, personally appeared Pamela L. Sonnelitter who, being first duly sworn, deposes and says:

1. My name is Pamela L. Sonnelitter. I am currently employed by Florida Power & Light Company ("FPL") as General Manager of Business Services in the Power Generation Division. My business address is 700 Universe Boulevard, Juno Beach, FL 33408. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant and which are included in Exhibit A to FPL's Request for Confidential Classification regarding Audit No. 05-292-4-1 ("FPL's Request for Confidential Classification"). Documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute contractual vendor data, such as pricing and other terms, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms in the future to the detriment of FPL and its customers. Further, certain information claimed confidential contains or constitutes competitively sensitive data, the disclosure of which could impair the competitive business of the provider of the information. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Affiant says nothing further.

Pamela L. Sonnelitter
Pamela L. Sonnelitter

SWORN TO AND SUBSCRIBED before me this 31st day of March 2006, by Pamela L. Sonnelitter, who is personally known to me or who has produced (type of identification) as identification and who did take an oath.

Jayne Marie Loring
Notary Public, State of Florida

My Commission Expires: 9-14-09

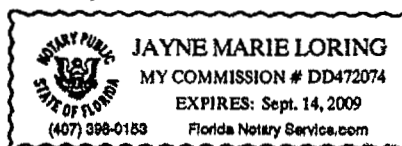


EXHIBIT D

BEFORE THE

FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's petition) Docket No. 060038-EI
for issuance of a storm recovery financing order) Filed: April 3, 2006

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

AFFIDAVIT OF EDWARD S. BOWMAN

BEFORE ME, the undersigned authority, personally appeared Edward S. Bowman who, being first duly sworn, deposes and says:

1. My name is Edward S. Bowman. I am currently employed by Florida Power & Light Company ("FPL") as Manager of Support Services in the Law department. My business address is 700 Universe Boulevard, Juno Beach, FL 33408. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant and which are included in Exhibit A to FPL's Request for Confidential Classification regarding Audit No. 05-292-4-1 ("FPL's Request for Confidential Classification"). Documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute contractual vendor data, such as pricing and other terms, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms in the future to the detriment of FPL and its customers. Further, certain information claimed confidential contains or constitutes competitively sensitive data, the disclosure of which could impair the competitive business of the provider of the information. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Affiant says nothing further.

[Handwritten signature of Edward S. Bowman]
Edward S. Bowman

SWORN TO AND SUBSCRIBED before me this 3 day of April 2006, by Edward S. Bowman, who is personally known to me or who has produced (type of identification) as identification and who did take an oath.

[Handwritten signature of Trudy K. Scotten]
Notary Public, State of Florida

6-30-09
My Commission Expires:

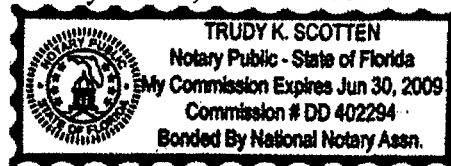


EXHIBIT D

BEFORE THE

FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's petition) Docket No. 060038-EI
for issuance of a storm recovery financing order) Filed: March 22, 2006

STATE OF FLORIDA)
COUNTY OF Palm Beach)

AFFIDAVIT OF D.K. WHITE

BEFORE ME, the undersigned authority, personally appeared D. K. White who, being first duly sworn, deposes and says:

1. My name is D. K. White. I am currently employed by Florida Power & Light Company ("FPL") as Manager of Materials Management. My business address is 700 Universe Boulevard, Juno Beach, FL 33408. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant and which are included in Exhibit A to FPL's Request for Confidential Classification regarding Audit No. 05-292-4-1 ("FPL's Request for Confidential Classification"). Documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute contractual vendor data, such as pricing and other terms, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms in the future to the detriment of FPL and its customers. Additionally, certain information claimed confidential contains or constitutes competitively sensitive data, the disclosure of which could impair the competitive business of the provider of the information. Further, certain information claimed confidential contains or constitutes employee personnel information, the disclosure of which could impair employees' personal right to privacy. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Affiant says nothing further.



D. K. White

SWORN TO AND SUBSCRIBED before me this 3rd day of April 2006, by D. K. White, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.

My Commission Expires:

