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**ORIGINAL**

May 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

RECEIVED-FPSC  
 05 MAY -3 PM 4: 38  
 COMMISSION  
 CLERK

**Re: Florida Power & Light Company's First Request for Extension of Confidential Classification Granted by Order No. PSC-04-1074-CFO-EI in Docket No. 040007-EI**

Dear Ms. Bayó:

I enclose 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 the Environmental Cost Recovery Clause Audit No. 04-044-4-1. The original includes revised Exhibits A, B, C and D. The two copies include only revised Exhibits C and D.

Revised Exhibit A contains the confidential information that is the subject of FPL's First Request for Extension. 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 Revised Exhibit A, in which the information FPL asserts is confidential has been redacted. Revised Exhibit C contains FPL's justification for its request for confidential classification. Revised Exhibit D contains affidavits 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 and Revised Exhibit C in Word.

Please contact me should you or your staff have any questions regarding this filing.

Sincerely,

*John T. Butler (PWT)*  
 John T. Butler

(CONF. DNS 08243-04  
 08288-04  
 03931-06)

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL  RECEIVED & FILED
- OPC \_\_\_\_\_
- RCA  FPSC-BUREAU OF RECORDS
- SCR \_\_\_\_\_
- SGA \_\_\_\_\_ ITB:ec
- SEC  Enclosures
- OTH  1 copy records  
 an FPL Group company

DOCUMENT NUMBER-DATE

03930 MAY-3 06

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Environmental Cost )  
Recovery Clause. )  
\_\_\_\_\_ )

DOCKET NO. 060007-EI  
FILED: May 3, 2006

**FIRST REQUEST FOR EXTENSION OF  
CONFIDENTIAL CLASSIFICATION GRANTED BY  
ORDER NO. PSC-04-1074-CFO-EI IN DOCKET NO. 040007-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 materials provided to the Florida Public Service Commission ("FPSC" or "Commission") staff ("Staff") in connection with the environmental cost recovery clause audit, Audit Control No. 04-044-4-1 (hereinafter the "Audit"). In support of its First Request, FPL states as follows:

1. 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  
John T. Butler, Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
(305) 552-3867 Telephone  
(305) 552-3865 Facsimile

2. On July 30, 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-04-1074-CFO-EI, dated November 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 July 30, 2004 Request 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. The following revised exhibits are included herewith and made a part hereof:

a. Revised Exhibit A consists of all documents for which FPL seeks confidential treatment, whether in whole or in part. All information in revised Exhibit A that FPL asserts is entitled to confidential treatment has been highlighted. Revised Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

b. Revised 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 Revised Exhibit B.

c. Revised 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. Revised Exhibit C is sometimes referred to hereinafter as the "Justification Table."

d. Revised Exhibit D includes the affidavits of Korel M. Dubin and Robert Onsgard.

6. As indicated by the affidavit of Korel M. Dubin, certain of the highlighted information is customer-specific account information. It is FPL's corporate policy not to disclose customer-specific information, except as required by law, absent the customer's consent. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh and bills. Pursuant to Section 366.093(3)(e), Florida Statutes, this information is proprietary confidential business information.

7. The affidavit of Robert Onsgard supports the confidential designation of certain materials that contain or constitute internal auditing controls and reports of internal auditors or information relating to same. Section 366.093(3)(b), Florida Statutes, supports the designation of these materials as proprietary confidential business information.

8. No significant changes have occurred since the issuance of Order No. PSC-04-1074-CFO-EI to render the proprietary confidential business information described in Ms. Dubin's or Mr. Onsgard's affidavits stale or public such that continued confidential treatment would not be appropriate.

9. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of section 366.093(3). To the best of FPL's knowledge, the highlighted information has not been publicly disclosed. Pursuant to section 366.093, 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

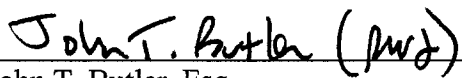
further analysis or review such as weighing the harm of disclosure against the public interest in access to the information.

10. 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 affidavits. The justification table identifies the affiant attesting to the basis for FPL's assertion of confidentiality with regard to each document or portion thereof.

11. As reflected by the renewed affidavits submitted as Exhibit D, 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 affidavits 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,

  
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John T. Butler, Esq.  
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Fla. Bar No. 283479  
Attorney for Florida Power & Light Company  
9250 West Flagler Street  
Miami, Florida 33174  
Tel. (305) 552-3867  
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**CERTIFICATE OF SERVICE**

I, THE UNDERSIGNED COUNSEL, HEREBY CERTIFY that a copy of Florida Power & Light Company's First Request 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 May, 2006:

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Florida Public Service Commission  
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Tallahassee, Florida 32399-0850

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c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399

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P.O. Box 391  
Tallahassee, Florida 32302

John T. Burnett, Esq.  
Progress Energy Service Company, LLC  
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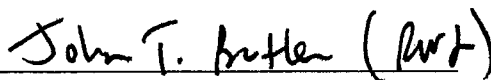
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\_\_\_\_\_  
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