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ORIGINAL

May 4, 2006

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 COMMISSION  
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**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

060001

**Re: Florida Power & Light Company's First Request for Extension of  
 Confidential Classification Granted by Order No. PSC-04-1090-CFO-EI  
 in Docket No. 040001-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 Granted by Order No. PSC-04-1090-CFO-EI in Docket No. 040001-EI. Exhibits A, B, and C from the previous filing subject to PSC Order No. 04-1090-CFO-EI are incorporated herein by reference.

Attached is Exhibit D containing the Affidavit in support of FPL's First Request for Extension of Confidential Classification. Also included herewith is a computer diskette containing FPL's First Request in Word format. Please contact me should you or your staff have any questions regarding this filing.

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR   |
- GCL   |
- OPC \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SGA \_\_\_\_\_
- SEC   |
- OTH   |

Sincerely,

*John T. Butler (Prof)*  
 John T. Butler

JTB:ec  
 Enclosures

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

*(confidential)*  
*DN 11779-04*

DOCUMENT NUMBER-DATE

03979 MAY-4 06

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchase Power )  
Cost Recovery Clause and Generating )  
Performance Incentive Factor )  
\_\_\_\_\_ )

Docket No. 060001-EI

Filed: May 4, 2006

**FIRST REQUEST FOR EXTENSION OF  
CONFIDENTIAL CLASSIFICATION GRANTED BY  
ORDER NO. PSC-04-1090-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 information on pricing and other contractual terms contained in the contracts for the purchase of capacity and energy between Southern Company Services, Inc. and FPL from Scherer Unit 3, Harris Unit 1 and Franklin Unit 1 that are Documents TLH-1, TLH-2, and TLH-3, respectively, to the prepared testimony of Thomas Hartman (the "Power Purchase Contract Information"). 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  
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DOCUMENT NUMBER-DATE

03979 MAY -4 06

FPSC-COMMISSION CLERK

2. On September 9, 2004, FPL filed its Request for Confidential Classification of certain information on pricing and other contractual terms contained in the contracts for the purchase of capacity and energy between Southern Company Services, Inc. and FPL from Scherer Unit 3, Harris Unit 1 and Franklin Unit 1 that are Documents TLH-1, TLH-2, and TLH-3, respectively, to the prepared testimony of Thomas Hartman filed on September 9, 2004 in Docket 040001-EI. FPL's initial filing consists of the Request for Confidential Classification and Exhibits A through D.

3. By Order No. PSC-04-1090-CFO-EI, dated November 4, 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 September 9, 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. FPL incorporates herein by reference Exhibit A, the highlighted copy of the working papers from its September 9, 2004 filing, Exhibit B, and Exhibit C.

6. 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.

7. 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. FPL continues to seek confidential protection for Power Purchase Contract Information because it relates to bids and other contractual data, the disclosure of which would impair FPL's ability to contract for fuel and electric power on favorable terms, *see* § 366.093(3)(d), Fla. Stat.; and because it relates to competitive interests of FPL and the Southern Company, the disclosure of which would impair both of their competitive businesses, *see* § 366.093(3)(e), Fla. Stat.

8. As reflected by the renewed affidavit submitted as Exhibit D, nothing has changed since the issuance of Order No. PSC 04-1090-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,

John T. Butler (JWT)

John T. Butler, Esq.

Senior Attorney

Fla. Bar No. 283479

Attorney for Florida Power & Light Company

9250 West Flagler Street

Miami, Florida 33174

Tel. (305) 552-3867

Fax: (305) 552-3865

**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 4<sup>th</sup> day of May, 2006:

Wm. Cochran Keating IV, Esq.  
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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  
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Capt. Damund E. Williams  
Lt. Col. Karen S. White  
AFLSA/JACL - ULT  
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Young van Assenderp, P.A.  
Attorneys for Florida Retail Federation  
225 South Adams Street, Suite 200  
Tallahassee, FL 32301

*John T. Butler (RL)*

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John T. Butler

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power ) DOCKET NO. 060001-EI
Cost Recovery Clause with Generating )
Performance Incentive Factors ) FILED: May 4, 2006

STATE OF FLORIDA )
) AFFIDAVIT OF THOMAS HARTMAN
PALM BEACH COUNTY )

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

1. My name is Thomas Hartman. I am currently employed by Florida Power & Light Company ("FPL") as Director of Business Management for Resource Assessment and Planning. 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. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute pricing and other contractual terms in contracts for the purchase of capacity and energy between Southern Company Services, Inc. and FPL from Scherer Unit 3, Harris Unit 1 and Franklin Unit 1. Disclosure of those contractual terms would impair FPL's ability to contract on favorable terms. Disclosure of this information also would impair the competitive interests of FPL and the Southern Company. 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-04-1090-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 Thomas Hartman]
Thomas Hartman

SWORN TO AND SUBSCRIBED before me this 1st day of May 2006, by Thomas Hartman, who is personally known to me or who has produced (type of identification) as identification and who did take an oath.

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

My Commission Expires:

