



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

John T. Butler  
Senior Attorney  
Florida Power & Light Company  
9250 W. Flagler Street  
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(305) 552-3867  
(305) 552-3865 (Facsimile)

June 29, 2006

**- VIA OVERNIGHT DELIVERY -**

Ms. Blanca S. Bayó, Director  
Division of the Commission Clerk and  
Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

**Re: Docket No. 060362-EI**

Dear Ms. Bayó:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's Request for Confidential Classification of Information Provided Pursuant to Staff Late-Filed Data Requests 2, 3, 4 and 7, together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows XP, and the word processing software is Word 2003. Pursuant to Rule 25-22.006, F.A.C., I am also enclosing one highlighted and two redacted copies of the confidential documents that are the subject of this request.

If there are any questions regarding this transmittal, please contact me at 305-552-3867.

Sincerely,

John T. Butler

Enclosure  
Cc: Counsel for parties of record (w/encl.)

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR** \_\_\_\_\_
- GCL   1   Enclosure
- OPC \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SGA \_\_\_\_\_
- SEC   1

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DOCUMENT NUMBER-DATE  
**05876 JUN 30 06**  
FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition to Recover Natural Gas Storage ) DOCKET NO. 060362-EI  
Project Costs Through Fuel Cost Recovery Clause )  
By Florida Power & Light Company ) FILED: June 30, 2006

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION  
PROVIDED PURSUANT TO STAFF LATE-FILED DATA REQUESTS 2, 3, 4 AND 7**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain information provided to the Florida Public Service Commission ("Commission") staff ("Staff") in connection with late-filed data requests 2, 3, 4 and 7 at the conclusion of the informal conference held in this docket on May 30, 2006 ("LFDR 2, 3, 4 and 7"). In support of its Request, FPL states as follows:

1. Staff held the May 30 informal conference in order to gather information on FPL's petition to recover the costs of its proposed MoBay gas storage project through the fuel cost recovery clause. At the conclusion of the conference, Staff made several late-filed data requests asking FPL to provide certain information following up on the questions addressed during the conference. FPL considers information in LFDR 2, 3, 4 and 7 to be proprietary confidential business information. Accordingly, FPL filed a notice of intent to seek confidential classification of that information on June 13, 2006, contemporaneously with making the information available to Staff. Pursuant to Rule 25-22.006(3)(a), FPL has 21 days from the date of that notice of intent, until July 5, 2006, to file a formal request for confidential classification with respect to LFDR 2, 3, 4 and 7. This Request is intended to request confidential classification of the confidential portions of LFDR 2, 3, 4 and 7 consistent with Rule 25-22.006(3)(a).

DOCUMENT NUMBER-DATE

05876 JUN 30 06

FPL-COMMISSION OF FPL

2. The following exhibits are included with and made a part of this request:

a. Composite Exhibit A consists of copies of LFDR 2, 3, 4 and 7, on which all information that FPL asserts is entitled to confidential treatment has been highlighted. Composite Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

b. Composite Exhibit B consists of an edited version of Exhibit A on which all information in LFDR 2, 3, 4 and 7 that FPL asserts is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing a line-by-line and page-by-page identification of the information in LFDR 2, 3, 4 and 7 for which confidential classification 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 affidavit in support of the requested classification.

d. Exhibit D is the affidavit of Gerard J. Yupp.

3. FPL seeks confidential protection for the information highlighted in Exhibit A. The highlighted information is proprietary confidential business information within the meaning of Section 366.093(3). The information is intended to be, and has been, treated by FPL as confidential.

4. Pursuant to Section 366.093, the information highlighted in Exhibit A 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.

5. The statutory bases for FPL's assertion of confidentiality with regard to each document or portion thereof are set forth in Exhibit C under the column titled "Florida Statute 366.093(3) subsection." The letters in that column refer to the subsection(s) that provide justification for FPL's request. Further support for FPL's request for confidential classification of the referenced information is provided through the affidavit of Mr. Yupp that is included as Exhibit D to this Request.

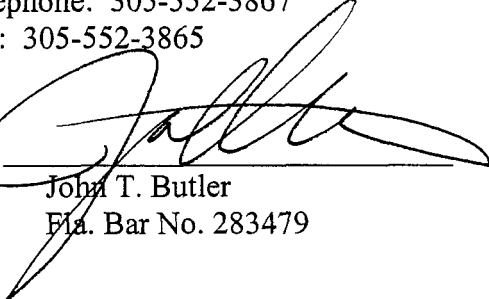
6. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, is proprietary confidential business information, the information should not be declassified for a period of at least eighteen (18) months and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business. *See* § 366.093(4).

**WHEREFORE**, for the foregoing reasons, Florida Power & Light Company respectfully requests that this Request be granted.

Respectfully submitted,

R. Wade Litchfield, Esq.  
Associate General Counsel  
John T. Butler, Esq.  
Senior Attorney  
Law Department  
Florida Power & Light Company  
9250 West Flagler Street  
Miami, Florida 33174  
Telephone: 305-552-3867  
Fax: 305-552-3865

By: \_\_\_\_\_

  
John T. Butler  
Fla. Bar No. 283479

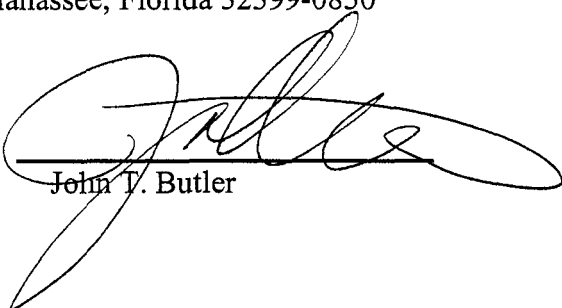
**CERTIFICATE OF SERVICE**  
**Docket No. 060362-EI**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification of Information Provided Pursuant to Staff Late-Filed Data Requests 2, 3, 4 and 7 has been furnished by overnight delivery on this 29<sup>th</sup> day of June 2006, to the following:

Lisa C. Bennett, Esq.  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

By: \_\_\_\_\_

John T. Butler

A large, stylized handwritten signature in black ink, which appears to be "John T. Butler", is written over a horizontal line. The signature is highly cursive and loops around the line.

# **Exhibit C**

## **Justification Table**

**EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Workpapers  
**DOCKET NO:** 060362-EI

<b>Late-Filed Data Request No(s).</b>	<b>Description</b>	<b>No. of Pages</b>	<b>Conf Y/N</b>	<b>Line No./Col No.</b>	<b>Florida Statute 366.903(3) Subsection</b>	<b>Affiant</b>
2 & 3	Storage Costs	1	Y	Lines 6-15,19,20	(d),(e)	G. Yupp
4	Storage Facilities	4	N Y	p. 1 p. 2-4, All	(c)	G. Yupp
7	Solicitation	3	N Y	p. 1 p. 2-3, All	(d),(e)	G. Yupp

**Exhibit D**

**AFFIDAVIT**



EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to recover natural gas storage project costs through fuel cost recovery clause, by Florida Power & Light Company ) DOCKET NO. 060362-EI ) DATED: June 22, 2006 )

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

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

1. My name is Gerard J. 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. The documents and materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute contractual data of FPL or its counterparty in the gas storage project, Falcon Gas Storage, Inc. ("Falcon") such as pricing and other terms, payment records, and vendor and supplier rates, the disclosure of which would impair the efforts of FPL and/or Falcon to contract for goods and services on favorable terms for the benefit of its customers and would impair the competitive interests of FPL and Falcon. Also, certain of the documents and materials contain or relate to Falcon's security measures, systems, and/or procedures concerning the gas storage project. To the best of my knowledge, FPL and Falcon have 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) Gerard J. Yupp

SWORN TO AND SUBSCRIBED before me this 22nd day of June 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.

Monica M. Schaefer (signature) Notary Public, State of Florida

My Commission Expires:

