



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

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ORIGINAL

July 10, 2006

- VIA HAND 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

RECEIVED-PPSC
05 JUL 10 PM 1:05
COMMISSION
CLERK

Re: Docket No. 060007-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 Audit No. 06-044-4-1, 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
- OPC _____
- RCA 1
- SCR _____
- SGA _____
- SEC 1
- OTH 1 copy records

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Demenas
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

06061 JUL 10 8

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Environmental Cost)
Recovery Clause)

DOCKET NO. 060007-EI
FILED: July 10, 2006

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION
PROVIDED PURSUANT TO AUDIT NO. 06-044-4-1**

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 ("FPSC" or "Commission") staff ("Staff") in connection with its audit of FPL's Environmental Cost Recovery Clause true-up schedules (Audit Control No. 06-044-4-1; hereinafter the "ECRC Audit") in Docket No. 060007-EI. In support of its Request, FPL states as follows:

1. During the ECRC Audit, Staff requested access to various FPL reports and other documents, portions of which became working papers of the auditors. By letter dated June 20, 2006, Staff indicated its intent to retain certain working papers for which confidential treatment previously had been requested (the "Working Papers"). Pursuant to Rule 25-22.006(3)(a), FPL was given 21 days from the date of that letter, or until July 11, 2006, to file a formal request for confidential classification with respect to the Working Papers. This Request is intended to request confidential classification of the confidential portions of the Working Papers consistent with Rule 25-22.006(3)(a).

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

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

a. Composite Exhibit A consists of copies of the Working Papers, 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 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 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 affidavits in support of the requested classification.

d. Exhibit D is comprised of the affidavits of Richard F. Engstrom, Robert Onsgard, Roger F. Messer, Paul Plotkin and Richard R. Thomas.

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) of Section 366.093(3) that provide justification for FPL's request. Further support for FPL's request for confidential classification of the referenced information is provided through the affidavits that are 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.
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Telephone: 305-552-3867
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By: 

John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE

Docket No. 060007-EI

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Request for Confidential Classification of Information Provided Pursuant to Audit No. 06-044-4-1 (*) has been furnished by hand delivery on July 10, 2006 (**) or U.S. Mail on July 7, 2006 to the following:

Martha Brown, Esq. **
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Tallahassee, FL 32301

By: 

John T. Butler

* Due to their volume, the exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.