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05 SEP 15 AM 10:44

COMMISSION
CLERK

September 14, 2006

- VIA OVERNIGHT 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: Docket Nos. 060001-EI and 060362-EI

Dear Ms. Bayó:

I am enclosing for filing in the above dockets the original and seven (7) copies of Florida Power & Light Company's Request for Confidential Classification of Information Provided Pursuant to Staff Data Requests 1 and 8, 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.

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

COM _____

Sincerely,

CTR _____

ECR 1

John T. Butler
John T. Butler *for JTB*

GCL 1

OPC _____
Enclosure

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

SCR _____

SGA _____

SEC 1

OTH 1 copy
records

DOCUMENT NUMBER-DATE

08466 SEP 15 06

FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power) DOCKET NO. 060001-EI
Cost Recovery Clause and Generating)
Performance Incentive Factor)

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: September 15, 2006

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION
PROVIDED PURSUANT TO STAFF DATA REQUESTS 1 AND 8**

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 in connection with data requests 1 and 8 that were served on FPL by Staff on August 18, 2006 ("DR 1 and 8"). In support of its Request, FPL states as follows:

1. On August 18, 2006, Staff served data requests numbered 1 -33 on FPL, in order to gather further information on FPL's petition to recover the costs of its proposed MoBay gas storage project through the fuel cost recovery clause. FPL considers information in DR 1 and 8 to be proprietary confidential business information. Accordingly, FPL filed a notice of intent to seek confidential classification of that information on August 25, 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 September 15, 2006, to file a formal request for confidential classification with respect to DR 1 and 8. This Request is intended to request confidential classification of the confidential portions of DR 1 and 8 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

08466 SEP 15 06

FPSC-COMMISSION CLERK

a. Composite Exhibit A consists of copies of DR 1 and 8, 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 DR 1 and 8 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 DR 1 and 8 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 confidential classification of the confidential portions of DR 1 and 8 as set in Exhibit C.

Respectfully submitted,

R. Wade Litchfield, Esq.
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Telephone: (561) 304-5639
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By: Kevin M. Dubin for JTB
John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE
Docket No. 060001-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification of Information Provided Pursuant to Staff Data Requests 1 and 8 (*) has been furnished by overnight delivery (**) or U.S. Mail on the 15th day of September, 2006, to the following:

Lisa Bennett, Esq. **
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Attorneys for Florida Retail Federation

By: John M. Butler for JTB
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.