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Natalie F. Smith  
Principal Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
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06 OCT 20 AM 10:48

COMMISSION  
CLERK

October 20, 2006

VIA OVERNIGHT MAIL

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

DISTRIBUTION CENTER  
06 OCT 20 AM 9:53

Re: Docket No. 060002-EG  
Energy Conservation Cost Recovery Clause

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and two (2) copies of FPL's First Request for Extension of Confidential Classification and Exhibit D together with a diskette containing the electronic version of the same.

Exhibit D contains the Affidavit of Ken Getchell in support of FPL's First Request for Extension of Confidential Classification.

In accord with Rule 25-22 006(3)(d), FPL requests confidential treatment of the information in Exhibit A pending disposition of FPL's Third Request for Confidential Classification. Please do not hesitate to contact me should you or your Staff have any questions regarding this filing.

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

NFS:jp  
Enclosures

Sincerely,  
  
Natalie F. Smith

(COM DNO4357-03)  
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09657 OCT 20 06

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Energy Conservation Cost** )  
**Recovery Clause** )  
\_\_\_\_\_ )

**Docket No. 060002-EG**

**Filed: October 20, 2006**

**FIRST REQUEST FOR EXTENSION OF  
CONFIDENTIAL CLASSIFICATION**

NOW, BEFORE THE COMMISSION, through undersigned counsel, comes Florida Power & Light Company (“FPL”) and, pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093, Florida Statutes, hereby submits its First Request for Extension of Confidential Classification of portions of Schedule CT-6 and Appendix A, page 1-B to Exhibit KG-1 filed May 15, 2003 in Docket No. 030002-EG, which was initially granted by the Florida Public Service Commission (“FPSC” or “Commission”) in Order No. PSC-03-1198-CFO-EG issued October 22, 2003 in Docket No. 030002-EG. In support of its Request, FPL states as follows:

1. On May 15, 2003, FPL filed with the Commission its Request for Confidential Classification of certain information required to be filed as part of the true-up filing in Docket No. 030002-EG. FPL’s initial filing consists of the Request for Confidential Classification and Exhibits A through D. FPL adopts and incorporates by reference Exhibits A, B and C (the “Justification Table”) to its May 15, 2003 Request.

2. By Order No. PSC-03-1198-CFO-EG dated October 22, 2003, the Commission granted FPL’s Request for a period of 36 months.

3. The period of confidential treatment granted by the Commission will soon expire. Nothing has changed since the issuance of Order No. PSC-03-1198-CFO-EG to render the information stale or public such that continued confidential treatment would not be appropriate.

The information that was the subject of FPL's May 15, 2003 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.

4. Included herewith and made a part hereof is Exhibit D. Exhibit D consists of the Affidavit of Ken Getchell in support of continued confidential classification dated October 16, 2006. Only the original copy of this Request includes Exhibit D.

5. FPL submits that the confidential information that is the subject of this Request 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.

6. The statutory basis for FPL's assertion of confidentiality with regard to each document or portion thereof is set forth in the Justification Table under the column titled "FLORIDA STATUTE 366.093(3)." The letters (a) through (f) 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 of Ken Getchell.

7. The information in Schedule CT-6 and Appendix A, page 1-A, to Exhibit KG-1 for which FPL seeks continued confidential classification is customer-specific information. FPL has a corporate policy not to disclose or release customer-specific information without the consent of the customer. The FPL customers referred to in this information have not consented

to the release of its customer-specific information. In addition, much of the information for which FPL seeks confidential classification is confidential and proprietary to the customers, the release of which would harm the customers' business operations. This information may, in some instances, constitute trade secrets to the customers, and is certainly information relating to the customers' competitive interests, the disclosure of which would impair the competitive business of the customers. Information of this nature is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes (2003). The Commission has previously determined that the type of information for which FPL seeks protection is proprietary confidential business information. *See, e.g.*, Order Nos. PSC-03-1198-CFO-EG, PSC-00-0628-CFO-EG.

8. The information for which FPL seeks confidential classification shall continue to be confidential after an additional 18 months. It will still be treated by FPL as confidential as a matter of policy, and the information regarding customers' electrical usage and electrical equipment will continue to be competitive information the disclosure of which may injure the customers' competitive interest even after an additional 18 months. Therefore, FPL requests that the Commission rule, as permitted by Section 366.093, Florida Statutes, that the confidential information in Schedule CT-6 and Appendix A, page 1-A, to Exhibit KG-1 continue to be classified as confidential for a period of 36 months from the extension of confidential classification. FPL asks that the Commission determine that FPL has demonstrated good cause for the confidential information to continue to be classified as confidential for thirty-six months from the extension of confidential classification. The confidential information that is the subject of this Request 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 above and foregoing reasons, as more fully set forth in the supporting materials and affidavit included with this request, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

R. Wade Litchfield, Associate General Counsel  
Natalie F. Smith, Principal Attorney  
Florida Power & Light Company  
Law Department  
700 Universe Boulevard  
Juno Beach, FL 33408  
Tele: (561) 691-7100  
Fax: (561) 691-7135  
Attorneys for Florida Power & Light Company

By:   
\_\_\_\_\_  
NATALIE F. SMITH

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's First Request for Extension of Confidential Classification without Attachments was served by United States mail this 20<sup>th</sup> day of October, 2006 to the following:

Katherine Fleming  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Office of Public Counsel  
P. Christensen/C. Beck/J. McGlothlin  
c/o The Florida Legislature  
111 West Madison St., Room 812  
Tallahassee, FL 32399-1400

Beggs & Lane Law Firm  
Jeffrey Stone/Russell Badders  
P.O. Box 12950  
Pensacola, FL 32591-2950

Florida Industrial Power Users Group  
c/o John W. McWhirter, Jr.  
McWhirter Reeves  
400 North Tampa Street, Suite 2450  
Tampa, FL 33602

Progress Energy Florida, Inc.  
John T Burnett  
P.O. Box 14042  
St. Petersburg, FL 33733-4042

Florida Public Utilities Company  
Mr. Cheryl Martin  
P. O. Box 3395  
West Palm Beach, FL 33402-3395

Gulf Power Company  
Ms. Susan D. Ritenour  
One Energy Place  
Pensacola, FL 32520-0780

McWhirter Law Firm  
Tim Perry, Esq.  
117 S. Gadsden St.  
Tallahassee, FL 32301

Norman H. Horton, Jr./Floyd Self  
Messer Law Firm  
P.O. Box 15579  
Tallahassee, FL 32317

Ausley Law Firm  
Lee Willis/James Beasley  
P.O. Box 391  
Tallahassee, FL 32302

Progress Energy Florida, Inc.  
Mr. Paul Lewis, Jr.  
106 East College Avenue, Suite 800  
Tallahassee, FL 32301-7740

Tampa Electric Company  
Ms. Angela Llewellyn  
Regulatory Affairs  
P. O. Box 111  
Tampa, FL 33601-0111

By:   
\_\_\_\_\_  
NATALIE F. SMITH

**EXHIBIT D**

**BEFORE THE FLORIDA  
PUBLIC SERVICE COMMISSION**

STATE OF FLORIDA )

)

AFFIDAVIT OF KENNETH GETCHELL

)

MIAMI-DADE COUNTY )

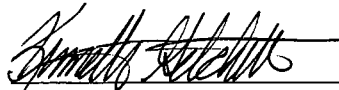
**BEFORE ME**, the undersigned authority, personally appeared Kenneth Getchell, who, being first duly sworn deposes and says:

1. My name is Kenneth Getchell. I am currently employed by Florida Power & Light Company (FPL) as a Budget and Regulatory Support Supervisor. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the documents and information for which I am listed as an affiant in Exhibit C and which are included in Exhibit A to FPL's Request for Confidential Classification of certain information in Schedule CT-6 and Appendix A, page 1-B to Exhibit KG-1, filed May 15, 2003. The documents and materials that I have reviewed and that FPL asserts in Exhibit C to be proprietary confidential business information contain or constitute customer-specific account information. Indeed, FPL has a corporate policy not to disclose customer-specific information. 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, bills, chiller efficiency reports, costs of equipment retrofits, incentives paid, operating hours, lightning codes for fixtures installed or removed by customers and the identity of contractors performing customer specific installations. FPL treats such information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer without the permission of the customer. Disclosure of this information may impair FPL's competitive business interests and ability to contract favorably, to the detriment of its customers.

3. No significant changes have occurred since the issuance of Order No. PSC-03-1198-CFO-EG to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, consistent with the provisions of the Florida Administrative Code, the materials referenced in this affidavit should continue to remain confidential for an additional 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.

4. Affiant says nothing further.

  
Kenneth Getchell

**SWORN TO AND SUBSCRIBED** before me this 16th day of October, 2006, by Kenneth Getchell, who is personally known to me or who has produced personally known (type of identification) as identification and who did take an oath.



Katherine A Moeckel  
My Commission DD154711  
Expires December 20, 2006

