

ORIGINAL



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November 8, 2006

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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

Re: Docket No. 060001-EI
Fuel and Purchase Power Cost Recovery Clause and Generating Performance
Incentive Factor

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 Gerard J. Yupp in support of FPL's First Request for Extension of Confidential Classification.

Please do not hesitate to contact me should you or your Staff have any questions regarding this filing.

Sincerely,

R. Wade Litchfield

CMP _____

COM _____

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ECR _____

GCL DISKETTE _____

RWL:jp
Enclosures

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Fuel and Purchase Power Cost) Docket No. 060001-EI
Recovery Clause and Generating)
Performance Incentive Factor.) Filed: November 8, 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 Exhibits GJY-1 through GJY-6 filed April 1, 2005 in Docket No. 050001-EG, which was initially granted by the Florida Public Service Commission ("FPSC" or "Commission") in Order No. PSC-05-0507-CFO-EI issued May 9, 2005 in Docket No. 050001-EI. In support of its Request, FPL states as follows:

1. On April 1, 2005, FPL filed with the Commission its Request for Confidential Classification of certain information required to be filed as part of the testimony of FPL witness Gerard J Yupp in Docket No. 050001-EI. 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 April 1, 2005 Request.

2. By Order No. PSC-05-0507-CFO-EI dated May 9, 2005, the Commission granted FPL's Request for a period of 18 months.

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FPSC-COMMISSION CLERK

3. The period of confidential treatment granted by the Commission will soon expire. Nothing has changed since the issuance of Order No. PSC-05-0507-CFO-EI 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 April 1, 2005 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 Gerard J. Yupp in support of continued confidential classification dated November 2, 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 Gerard J. Yupp.

7. The information in Exhibit A, specifically Exhibits GJY-1 through GJY-6 for which FPL seeks continued confidential classification, is comprised of trade secrets of FPL, which allow FPL to purchase and sell fuel and electric power on favorable terms for FPL and its customers. The disclosure of this trade-secret information would provide others in the fuel and electric power markets particular insight into FPL's marketing and trading practices that would allow them to anticipate FPL's marketing and trading decisions and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers. This proprietary confidential business information also 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. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

8. FPL requests that the Commission rule, as permitted by Section 366.093, Florida Statutes, that the confidential information in Exhibits GJY-1 through GJY-6 continue to be classified as confidential for a period of 18 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 First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

R. Wade Litchfield, Esq.
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Senior Attorney
Florida Power & Light Company
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Telephone: (561) 304-5639
Facsimile: (561) 691-7135

By: 

R. Wade Litchfield

CERTIFICATE OF SERVICE

Docket No. 060001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery (*) or United States mail on November 8, 2006 to the following:

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By: 
R. Wade Litchfield

EXHIBIT D

BEFORE THE FLORIDA
PUBLIC SERVICE COMMISSION

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

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

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 the documents and information included in Exhibit A to FPL's Request for Confidential Classification filed on April 1, 2005. The documents and materials in Exhibit A which are asserted by FPL to be proprietary confidential business information are comprised of trade secrets of FPL, which allow FPL to purchase and sell fuel and electric power on favorable terms for FPL and its customers. The disclosure of this trade-secret information would provide others in the fuel and electric power markets particular insight into FPL's marketing and trading practices that would allow them to anticipate FPL's marketing and trading decisions and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers. This proprietary confidential business information also 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. 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-05-0507-CFO-EI to render this information stale or Public such that continued confidential treatment would not be appropriate. Accordingly, consistent with the provisions of the Florida Administrative Code, such materials 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 so that FPL can continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.

Gerard J. Yupp
Signature of Affiant
Gerard J. Yupp
Print Name

SWORN TO AND SUBSCRIBED before me this 2nd day of November 2006, by Gerard J. Yupp, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.

My Commission Expires: March 8, 2008
No. DD297470
JUDITH N. STEFFEN
NOTARY PUBLIC
STATE OF FLORIDA

Judith N. Steffen
Notary Public, State of Florida