

ORIGINAL

John T. Butler
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5639
(561) 691-7135 (Facsimile)

COMMISSION
CLERK

07 JAN 31 AM 11:15

RECEIVED FPSC

January 30, 2007

- 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 No. 070001-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 First Request for Extension of Confidential Classification Granted by Order No. PSC-05-0805-CFO-EI of Certain Material Obtained Pursuant to Audit No. 05-028-4-1, 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.

If there are any questions regarding this transmittal, please contact me at 561-304-5639.

Sincerely,

Kevin M. Duhon for JTB
John T. Butler

Enclosure

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

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- RCA _____
- SCR _____
- SGA _____
- SEC _____
- OTH Lockard

DOCUMENT NUMBER-DATE

01027 JAN 31 06

FPSC-COMMISSION CLERK

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost) Docket No. 070001-EI
Recovery Clause with Generating)
Performance Incentive Factor.) Filed: January 31, 2007

FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION GRANTED BY ORDER NO. PSC-05-0805-CFO-EI FOR CERTAIN MATERIAL PROVIDED PURSUANT TO AUDIT NO. 05-028-4-1

NOW BEFORE THE COMMISSION, through the undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to rule 25-22.006 of the Florida Administrative Code and Section 366.093 of the Florida Statutes, hereby submits its First Request for Extension of Confidential Classification Granted by Order No. PSC-05-0805-CFO-EI of Certain Material Obtained Pursuant to Audit No. 05-028-4-1 (the "Audit"). In support of this First Request for Extension, FPL states as follows:

- 1. Petitioner's name and address are:

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

Orders, notices, or other pleadings related to this request should be served on:

John T. Butler, Esq.
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33048

- 2. On May 18, 2005, FPL filed with the Florida Public Service Commission (the "Commission") its Request for Confidential Classification of Certain Materials Provided in Connection with Audit No. 05-028-4-1 (the "May 18, 2005 Request"). FPL's

DOCUMENT NUMBER-DATE
01027 JAN 31 08
FPSC-COMMISSION CLERK

initial filing consisted of the Request for Confidential Classification and Exhibits A through D. FPL adopts and incorporates by reference its May 18, 2005 Request, including Exhibits A, B, C and D thereto.

3. By Order No. PSC-05-0805-CFO-EI dated August 5, 2005, the Commission granted FPL's May 18, 2005 Request.

4. The period of confidential treatment granted by the Commission for the March 18, 2005 Request will soon expire. All of the information that was the subject of FPL's May 18, 2005 Request warrants continued treatment as proprietary and confidential business information with the meaning of section 366.093(3). Attached as Exhibit C hereto is a table containing a line-by-line and page-by-page identification of the information for which continued confidential treatment is sought and, with regard to each document or portion thereof, reference to the specific statutory basis or bases for the claim of confidentiality and to the affidavits in support of the request classification. Exhibit C is sometimes referred to hereinafter as the "Revised Justification Table."

5. Included herewith and made a part hereof as Exhibit D are the affidavits of Korel M. Dubin, Robert Onsgard, Gerard J. Yupp and Robert A. Birch, which affidavits shall supplement the Exhibit D that was previously filed as part of the May 18, 2005 Request.

6. FPL submits that the information identified on the Revised Justification Table is proprietary confidential business information within the meaning of section 366.093(3)(d). 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.

7. The statutory bases for FPL's assertion of confidentiality with regard to each document or portion thereof are set forth in the Revised Justification Table under the column entitled "FLORIDA STATUTE 366.093(3)." The letters (a) through (f) refer to subsections of section 366.093(3), as applicable. Support for FPL's request to extend confidential classification for the referenced materials is provided through the affidavits that are attached hereto as Exhibit D. The revised Justification Table identifies the basis for FPL's assertion of confidentiality with regard to each document or portion thereof.

8. FPL submits that the highlighted information in Exhibit A to the May 18, 2005 Request continues to be proprietary confidential business Information within the meaning of section 366.093(3). As indicated in the affidavits attached hereto as Exhibit D, all of the highlighted portions of Exhibit A include information that contains or constitutes vendor-specific information and detailed procurement information related to FPL's overall procurement practices and strategies, as well as information on hedging-related expenditures.. Such information is entitled to protection under section 366.093(3).

9. The material for which FPL seeks continued confidential classification is intended to be and is treated by FPL as private and has not been disclosed. Nothing has changed since the issuance of Order No. PSC-05-0805-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate.

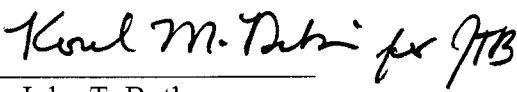
10. Accordingly, FPL requests that the information identified in the Revised Justification Table and highlighted in Exhibit A to the May 18, 2005 Request and

referenced in Order No. PSC-05-0805-CFO-EI be accorded confidential classification for an additional eighteen month period. FPL further requests that the information be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the above and forgoing reasons, as more fully set forth in the supporting materials and affidavits included herewith or incorporated herein by reference, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification Granted by Order No. PSC-05-0805-CFO-EI for Certain Material Obtained Pursuant to Audit Control No. 05-028-4-1 be granted.

Respectfully submitted

R. Wade Litchfield, Esq.
Associate General Counsel
John T. Butler, Esq.
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5639
Facsimile: (561) 691-7135

BY: 
John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE

Docket No. 070001-EI

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's First Request for Extension of Confidential Classification Granted by Order No. PSC-05-0805-CFO-EI for Certain Material Obtained Pursuant to Audit No. 05-028-4-1 was served by overnight delivery (*) or United States Mail this 30th day of January 2007, to the following:

Lisa Bennett, Esq. *
Wm. Cochran Keating IV, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Charles J. Beck, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399

Lee L. Willis, Esq.
James D. Beasley, Esq.
Ausley & McMullen
Attorneys for Tampa Electric
P.O. Box 391
Tallahassee, Florida 32302

John T. Burnett, Esq.
Progress Energy Service
Company, LLC
P.O. Box 14042
St. Petersburg, Florida 33733-4042

John W. McWhirter, Jr., Esq.
McWhirter Reeves
Attorneys for FIPUG
400 North Tampa Street, Suite 2450
117 South Gadsden Street
Tampa, Florida 33602

Norman H. Horton, Jr., Esq.
Floyd R. Self, Esq.
Messer, Caparello & Self
Attorneys for FPUC
P.O. Box 1876
Tallahassee, Florida 32302-1876

Robert Scheffel Wright, Esq.
John T. LaVia, III, Esq.
Young van Assenderp, P.A.
Attorneys for Florida Retail Federation
225 South Adams Street, Suite 200
Tallahassee, FL 32301

Jeffrey A. Stone, Esq.
Russell A. Badders, Esq.
Beggs & Lane
Attorneys for Gulf Power
P.O. Box 12950
Pensacola, Florida 32576-2950

Capt. Damund E. Williams
Lt. Col. Karen S. White
AFLSA/JACL - ULT
139 Barnes Drive
Tyndall Air Force Base, FL 32403-5319

Michael B. Twomey, Esq.
Post Office Box 5256
Tallahassee, Florida 32314-5256
Attorney for AARP

Jack Shreve, Esq.
Senior General Counsel
Cecilia Bradley, Esq.
Senior Assistant Attorney General
Office of the Attorney General
The Capitol - PL01
Tallahassee, Florida 32399-1050

James W. Brew, Esq.
Brickfield, Burchette, Ritts & Stone, P.C
Attorneys for PCS Phosphate
1025 Thomas Jefferson Street, NW, Eighth Floor, West Tower
Washington, DC 20007-5201

By: *Kevin M. Rubin for JTB*
John T. Butler

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant and which are included in Exhibit A to FPL's Request for Confidential Classification of Materials Provided Pursuant to Audit No.05-028-4-1. Some of the documents or materials asserted by FPL to be proprietary confidential business information, including vendor-specific pricing information and certain hedging-related expenditures, relate to competitive interests, the disclosure of which may impair FPL's competitive business. Some of the data included in Exhibit A contains vendor-specific information and is related to FPL's procurement practices. Disclosure of this information may impair FPL's competitive interests of the providers of goods and services. 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. 05-0805-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than eighteen months. These materials 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.

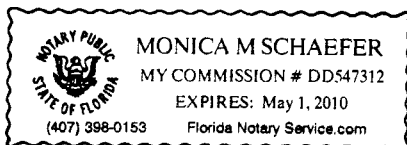
4. Affiant says nothing further.

[Handwritten signature of Gerard J. Yupp]
Gerard J. Yupp

SWORN TO AND SUBSCRIBED before me this 24 day of January 2007, 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.

[Handwritten signature of Monica M. Schaefer]
Notary Public, State of Florida

My Commission Expires:



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

AFFIDAVIT OF ROBERT A. BIRCH

BEFORE ME, the undersigned authority, personally appeared Robert A. Birch who, being first duly sworn, deposes and says:

1. My name is Robert A Birch. I am currently employed by Florida Power & Light Company ("FPL") as Staff Engineer, Power Supply. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant and which are included in Exhibit A to FPL's Request for Confidential Classification of Materials Provided Pursuant to Audit No.05-028-4-1. Documents or materials asserted by FPL to be proprietary confidential business information that I have reviewed include information related to transmission service billing and System Control Center (SCC) network transmission hourly computations. Disclosure of this information may impair FPL's competitive business interests and its ability to contract on favorable terms and /or would impair the competitive interests of the providers of goods and services. To 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. 05-0805-CFO-EI to render the information state or public such that continued confidential treatment would not be appropriate. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than eighteen months. These materials 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.

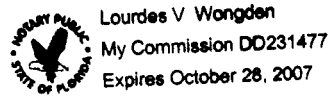
4. Affiant says nothing further.

Robert A. Birch
Robert A. Birch

SWORN TO AND SUBSCRIBED before me this 23 day of January 2007, by Robert A. Birch, who is personally known to me or who has produced (type of identification) as identification and who did take an oath.

Lourdes V Wongden
Notary Public, State of Florida

My Commission Expires:



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

AFFIDAVIT OF KOREL M. DUBIN

BEFORE ME, the undersigned authority, personally appeared Korel M. Dubin who, being first duly sworn, deposes and says:

1. My name is Korel M. Dubin. I am currently employed by Florida Power & Light Company ("FPL"), Regulatory Affairs Department, as Manager of Regulatory Issues. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents and information for which I ma listed as Affiant and which are included in Exhibit A to FPL's Request for Confidential Classification of Materials Provided Pursuant to Audit No.05-028-4-1. Documents or materials that I have reviewed and which are asserted by FPL to include customer-specific account Information. It is FPL's corporate policy not to disclose-customer specific information. This policy includes, but not limited: customer names, addresses, telephone numbers, accounts numbers, rates, billing determinants, (kW and kWh usage), conservation savings in kW, kWh and bills. FPL treats such information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer's consent. 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. 05-0805-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than eighteen months. These materials 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.

[Handwritten signature of Korel M. Dubin]

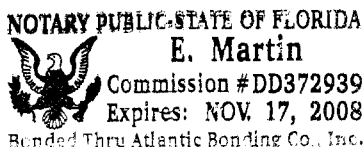
Korel M. Dubin

SWORN TO AND SUBSCRIBED before me this 29 day of JANUARY 2007, by Korel M. Dubin, who is personally known to me or who has produced (type of identification) as identification and who did take an oath.

[Handwritten signature of E. Martin]

Notary Public, State of Florida

My Commission Expires:



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

AFFIDAVIT OF ROBERT ONGSARD

BEFORE ME, the undersigned authority, personally appeared Robert Onsgard who, being first duly sworn, deposes and says:

1. My name is Robert Onsgard. I am currently employed by Florida Power & Light Company ("FPL") as Manager, Internal Auditing Power Supply. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents and information for which I ma listed as Affiant and which are included in Exhibit A to FPL's Request for Confidential Classification of Materials Provided Pursuant to Audit No.05-028-4-1. Documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute internal auditing controls and reports of internal auditors or information relating to same. 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. 05-0805-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than eighteen months. These materials 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.

Handwritten signature of Robert Onsgard over a horizontal line.

Robert Onsgard

SWORN TO AND SUBSCRIBED before me this 29 day of January 2007, by Robert Onsgard, who is personally known to me or who has produced (type of identification) as identification and who did take an oath.

Handwritten signature of E. Martin over a horizontal line.

Notary Public, State of Florida

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
E. Martin
Commission #DD372939
Expires: NOV. 17, 2008
Bonded Thru Atlantic Bonding Co., Inc.