



Natalie F. Smith
 Principal Attorney
 Florida Power & Light Company
 700 Universe Boulevard
 Juno Beach, FL 33408-0420
 (561) 691-7207
 (561) 691-7135 (Facsimile)

ORIGINAL

February 22, 2007

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

RECEIVED-FPSC
 01 FEB 22 PM 3:54
 COMMISSION
 CLERK

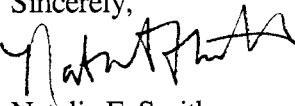
Re: Docket No. 070098-EI
 Florida Power & Light Company's Petition to Determine Need for FPL Glades Power
 Park Units 1 and 2 Electrical Power Plant

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Request for Confidential Classification Regarding Confidential Information provided in connection with FPL's Petition to Determine Need for FPL Glades Power Park Units 1 and 2 Electrical Power Plant together with a diskette containing the electronic version of same.

- CMP _____
- COM _____
- CTR _____
- ECR 1
- GCL 1
- OPC _____
- RCA _____
- SCR _____
- SGA _____
- SEC _____
- OTH 1ccmf

Please contact me if you or your Staff have any questions regarding this filing.

Sincerely,

 Natalie F. Smith

NFS:jp
 Enclosures

RECEIVED & FILED

R.V.N.

BUREAU OF REC

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's) Docket No. 070098-EI
Petition to Determine Need for FPL Glades)
Power Park Units 1 and 2 Electrical Power Plant)
) Dated February 22, 2007
)
_____)

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

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 confidential information provided to the Florida Public Service Commission ("the PSC or the Commission") in connection with FPL's Petition to Determine Need for FPL Glades Power Park Units 1 and 2 Electrical Power Plant ("the Confidential Information"). In support of its request, FPL states:

Justification for Confidential Classification

1. The Confidential Information is contained in documents provided to the Commission in connection with FPL's Petition to Determine Need for FPL Glades Power Park Units 1 and 2 Electrical Power Plant. A Notice of Intent to seek confidential treatment was filed on February 1, 2007, concurrently with the filing of FPL's Petition and supporting documentation.

2. The Confidential Information for which FPL seeks confidential classification contains or consists of confidential proprietary business information of FPL and third parties, as well as confidential electric transmission system security information. The confidential information is contained in the pre-filed direct testimony of William H. Damon III, and Document No. JC-6 attached to the pre-filed direct

DOCUMENT NUMBER-DATE

01739 FEB 22 08

FPSC-COMMISSION CLERK

testimony of Jose Coto filed in support of FPL's Petition to Determine Need for FPL Glades Power Park Units 1 and 2 Electrical Power Plants.

3. Confidential proprietary business information contained in Mr. Damon's pre-filed direct testimony contains or consists of information relating to the price for major equipment in Units 1 and 2 and the engineer/procure/construct ("EPC") contract. This includes, but is not limited to, the cost of major equipment and the EPC contract pricing. This information is proprietary and confidential to FPL and third parties, and FPL has a duty not to disclose this information. Disclosure of this information could impair the competitive interests of the vendors and the EPC contractor and jeopardize their ability to negotiate contract terms. Disclosure of this information also would substantially impair FPL's prospective ability to solicit bids, to the detriment of FPL and its customers. This type of information is confidential pursuant to section 366.093(d) and (e), Florida Statutes.

4. Confidential proprietary business information contained in Document No. JC-6 attached to Mr. Coto's pre-filed direct testimony provides details regarding the specific configuration of FPL's generation, transmission and substation facilities. In light of the concerns that have arisen post-September 11, 2001, such detailed information should be protected inasmuch as it relates to the transmission of energy, could be useful to a person planning an attack on critical infrastructure, and does not simply give the location of the infrastructure. Accordingly, FPL maintains that the highlighted and redacted information constitutes proprietary confidential business information under Section 366.093(3)(c), Florida Statutes, as "security measures, systems, or procedures," information that relates to such security measures, systems, or procedures, and/or

information that otherwise is confidential within the meaning of Section 366.093(3)(c). Further, Federal Energy Regulatory Commission regulations concerning Critical Energy Infrastructure Information (CEII) prohibit the release of this information, and as such the confidentiality of the information should be maintained.

5. The material for which confidential classification is sought is intended to be and has been treated by FPL and third parties as private and confidential and has not been publicly disclosed. The Confidential Information for which FPL seeks confidential classification will continue to be confidential for more than 18 months; therefore, FPL seeks confidential classification for 36 months with the opportunity to request continuation of the confidential classification.

6. A non-redacted copy of the confidential documents, with all Confidential Information highlighted, was attached to the February 1, 2007, Notice of Intent. Exhibit C to this Request is a line-by-line justification of the confidential status of the Confidential Information. 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)." 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 material is provided through the affidavits of Jose Coto and William H. Damon III, included as Exhibit D to this request.

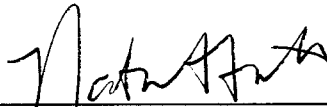
7. Upon a finding by the Commission that the information highlighted in the documents attached to the February 1, 2007 Notice of Intent, and referenced in Exhibit C, is proprietary confidential business information, the information should not be

declassified for a period of at least eighteen (18) months and preferably 36 months. The material 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 affidavits included with this request, Florida Power & Light Company respectfully requests confidential treatment of the confidential proprietary business information provided to the Florida Public Service Commission in connection with FPL's Petition to Determination Need for FPL Glades Power Park Units 1 and 2 Electrical Power Plant.

Respectfully submitted this 22nd day of February, 2007.

R. Wade Litchfield
Associate General Counsel
Bryan S. Anderson
Natalie F. Smith
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420

By: 

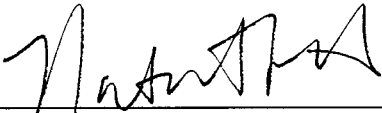
Natalie F. Smith

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above-referenced document has been furnished by United States Mail this 22nd day of February, 2007 to the following:

Jennifer Brubaker, Esquire
Florida Public Service Commission
2540 Shumard Oak Blvd.
Gerald L. Gunter Building
Tallahassee, FL 32399-0850

Charles Beck, Esquire
Office of Public Counsel
111 W. Madison St., Suite 812
Tallahassee, FL 32399-1400

By: 

Natalie F. Smith

Exhibit C

JUSTIFICATION TABLE

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: Confidentiality Justification
DOCKET 070098-EI: Florida Power & Light Company's Petition to Determine Need for FPL Glades Power Park Units 1 and 2 Electrical Power Plant

Document	Page No. / Line No.	Description	Florida Statute 366.093(3) Subsection	Affiant
Direct Testimony of William H. Damon III	Page 14, Lines 7 & 8; Page 22, Lines 19, 20, & 22.	Information relating to the price for the Unit 1 and 2 major equipment and the EPC contract	(d), (e)	W. Damon
Direct Testimony of Jose Coto	Exhibit JC-6 Page 1 of 1	Geographical Map Showing the Locations of FGPP and the Transmission Line Corridors Associated with the Project.	(c)	J. Coto

Exhibit D

AFFIDAVITS

EXHIBIT D

AFFIDAVIT OF JOSE COTO

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

BEFORE ME, the undersigned authority, this day personally appeared Jose Coto, who, first being duly sworn, deposes and states:

1. My name is Jose Coto. I am employed by Florida Power & Light Company (“FPL”) as a Transmission Engineering Manager in the Transmission group. In my role as Transmission Engineering Manager, I am responsible for the oversight of transmission engineers in the group in the performance of their duties associated with transmission system expansion projects. I am also responsible for reviewing the feasibility of proposed transmission system expansion projects and associated costs of these expansions.

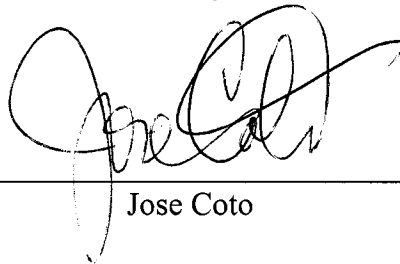
2. I am familiar with the Confidential Document, Document No. JC-6, to my Direct Testimony supporting FPL’s Petition to Determine Need for FPL Glades Power Park Units 1 and 2 Electrical Power Plants.

3. I have reviewed FPL’s Request for Confidential Classification for Certain Documents and Information Filed in Connection with its Petition for Determination of Need (the Request). The representations FPL makes in its Request regarding Confidential Information are true and correct. The information that FPL identifies as Confidential Information is proprietary

and confidential, the disclosure of which would be harmful to FPL and FPL's customers. This information is treated by FPL as confidential.

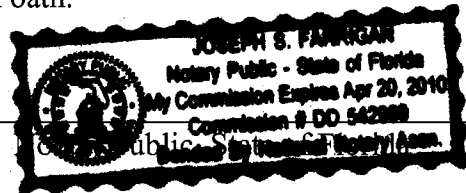
4. FPL seeks to protect the information in Document No. JC-6 as confidential pursuant to section 366.093(3)(c), Florida Statutes. The information for which confidential classification is sought provides details regarding the specific configuration of FPL's generation, transmission and substation facilities. In light of the concerns that have arisen post-September 11, 2001, such detailed information should be protected inasmuch as it relates to the transmission of energy, could be useful to a person planning an attack on critical infrastructure, and does not simply give the location of the infrastructure. Accordingly, FPL submits that the above-referenced and described information constitutes proprietary and confidential business information pursuant to Section 366.093(3)(c), Florida Statutes, because it constitutes "security measures, systems, or procedures," information within the meaning of Section 366.093(3)(c).

5. Affiant says nothing further.



Jose Coto

SWORN TO AND SUBSCRIBED before me this 20TH day of February, 2007, by Jose Coto, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.



My Commission Expires: 4/20/2010

EXHIBIT D

AFFIDAVIT OF WILLIAM H. DAMON III

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

BEFORE ME, the undersigned authority, this day personally appeared William H. Damon III, who, first being duly sworn, deposes and states:

1. My name is William H. Damon III. I am employed by Cummins & Barnard, Inc. (“C&B”) as the Chief Executive Officer (CEO). The services C&B were retained by Florida Power & Light Company (“FPL”) to perform an independent detailed review of the installed cost estimate for FPL Glades Power Park (“FGPP”).

2. My testimony discusses the scope and results of my review which concludes that the estimated installed cost for FGPP are reasonable and competitive. Information within my testimony relating to the price for the Unit 1 and 2 major equipment and the engineer/procure/construct (“EPC”) contract should be treated as confidential.

3. I have reviewed FPL’s Request for Confidential Classification for Certain Information Filed in Connection with its Petition for Determination of Need (the Request). The representations FPL makes in its Request regarding Confidential Information are true and correct. The information that FPL identifies as Confidential Information is proprietary and confidential, the disclosure of which would be harmful to FPL, the vendors who responded to FPL’s competitive solicitation for major equipment bid, the EPC contractor, and FPL’s customers. This information is treated by FPL as confidential.

4. FPL seeks to protect information identified as confidential and provided to FPL by vendors that responded to the competitive solicitation and by the EPC contractor. This includes, but is not limited to, the cost of major equipment and the EPC contract pricing. Disclosure of this information could impair the competitive interests of the vendors and the EPC contractor and jeopardize their ability to negotiate contract terms. Disclosure of this information also would impair FPL's prospective ability to solicit future bids, to the detriment of FPL's customers. This type of information is contained in my direct testimony for which FPL seeks confidential classification of certain portions pursuant to section 366.093(3)(d) and (e), Florida Statutes.

5. Affiant says nothing further.




William H. Damon III

SWORN TO AND SUBSCRIBED before me this 20th day of February, 2007, by William H. Damon III, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.



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.