

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power)
cost recovery clause with)
generating performance incentive)
factor.)
_____)

Docket No. 070001-EI
Filed: March 1, 2007

FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION OF SHORT TERM CAPACITY PAYMENT INFORMATION

Florida Power & Light Company ("FPL"), pursuant to Rule 25-22.006, F.A.C., and Section 366.093, Florida Statutes, requests confidential classification of certain information on short term capacity payments contained in Schedule A12 of Appendix II to the prepared testimony of FPL witness K.M. Dubin (the "Confidential Information"). In support of its Request, FPL states as follows:

- 1. This Request is intended to request confidential classification of the Confidential Information consistent with Rule 25-22.006.
- 2. The following exhibits are included with this Request:
 - a. Composite Exhibit A consists of a copy of Schedule A12, in which all of the Confidential Information has been highlighted. Exhibit A is submitted separately in a sealed

_____ folder marked "CONFIDENTIAL."

- b. Composite Exhibit B consists of two copies of Schedule A12 in which all

_____ of the Confidential Information has been redacted. A copy of this redacted Schedule A12 is included in the bound copy of the prepared testimony of FPL witness K.M. Dubin.

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

records

c. Exhibit C is a table containing an identification of the Confidential Information, together with references to the specific statutory bases for the claim of confidentiality and to the affidavit in support of the requested classification.

d. Exhibit D consists of the affidavit of Mr. Gerard Yupp, who is the Director of Wholesale Operations in FPL's Energy Marketing and Trading Division. The affidavit attests to the asserted bases for confidential classification of the Confidential Information.

3. FPL seeks confidential protection for the Confidential Information. That information is confidential because it relates to pricing for short-term capacity purchases, the disclosure of which would impair FPL's ability to contract for capacity on favorable terms, *see* § 366.093(3)(d), Fla. Stat; and because it relates to competitive interests of FPL and of suppliers from whom FPL purchases capacity, the disclosure of which would impair their competitive businesses, *see* § 366.093(3)(e), Fla. Stat.

4. FPL submits that the Confidential Information is proprietary confidential business information within the meaning of Section 366.093(3). Pursuant to Section 366.093, such information is entitled to confidential treatment and is exempt from the disclosure provisions of the public records law.

5. The Confidential Information is intended to be and is treated by FPL as private, and its confidentiality has been maintained.

6. Upon a finding by the Commission that the Confidential Information is proprietary confidential business information within the meaning of Section 366.093(3), pursuant

to Section 366.093(4) such information should not be declassified for 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.

WHEREFORE, FPL respectfully requests confidential classification of the Confidential Information contained in Schedule A12.

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: Ken M. Dubin for JTB
John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE
Docket No. 070001-EI

I certify that a copy of the foregoing Request for Confidential Classification of Short Term Capacity Payment Information was served by overnight delivery (*) or United States mail on this 28th day of February, 2007, to the following persons:

Lisa Bennett, 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

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

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

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

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Exhibits
DOCKET NO.: 070001-EI
DOCKET TITLE: Levelized Fuel Cost Recovery and Capacity Cost Recovery
SUBJECT: Schedule A12 – Short Term Capacity Payments
DATE: March 1, 2007

Page No.	Description	No. of Pages	Conf Y/N	Line No. Col. No.	Florida Statute 366.093(3) Subsection	Affiant
Appendix II, Page 7	Schedule A12	1 of 2	N			
Appendix II, Page 8	Schedule A12	2 of 2	Y	Lines 30 - 36, Col B - M	(d), (e)	G. Yupp

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power) DOCKET NO. 070001-EI
Cost Recovery Clause with Generating)
Performance Incentive Factor) DATED: February 28, 2007

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

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

1. My name is Gerard 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 document for which I am listed as Affiant in Exhibit C and which is included in Exhibit A to FPL's Request for Confidential Classification of Short Term Capacity Payment Information. The information in said document that FPL asserts in Exhibit C to be proprietary confidential business information contains or constitutes supplier-specific information regarding contract prices, the disclosure of which would impair FPL's ability to contract for capacity on favorable terms. That information also relates to competitive interests of FPL and of suppliers from whom FPL purchases capacity, the disclosure of which would impair FPL's and/or the suppliers' competitive businesses. To the best of my knowledge, FPL has maintained the confidentiality of this information.

3. Consistent with the provisions of the Florida Administrative Code, such information should remain confidential for a period of at least eighteen (18) months. In addition, it 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.

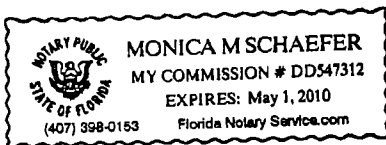
Handwritten signature of Gerard Yupp
Gerard Yupp

SWORN TO AND SUBSCRIBED before me this 28th day of February 2007, by Gerard 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:

5/1/2010



State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: 3.1.07
TO: John T. Butler
FROM: T. Henry, Division of the Commission Clerk &
Administrative Services
RE: **Acknowledgment of Receipt of Confidential Filing**

01902-07

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No. 070001-E1 or (if filed in an undocketed matter) concerning Schedule A12, and filed on behalf of FPL/Butler. The document will be maintained in locked storage.

Any questions regarding this matter should be directed to Marguerite Lockard at (850) 413-6770.

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