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RECEIVED-PTSC
07 MAY -1 PM 1:33
COMMISSION
CLERK

April 30, 2007

-VIA OVERNIGHT DELIVERY -

Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
2540 Shamed Oak Blvd.
Tallahassee, FL 32399-0850

DISTRIBUTION CENTER
07 MAY -1 AM 10:51

Re: Docket No. 070001-EI

Dear Ms. Cole:

I am enclosing for filing in the above docket an original and seven (7) copies of Florida Power & Light Company's First Request for Extension of Confidential Classification Granted by Order No. PSC-05-1079-CFO-EI for Information Provided Pursuant to Staff's Fourth Set of Interrogatories Nos. 9 through 11, 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 in which the documents appear is Word 2003. I also enclose a duplicate of this letter to be date-stamped and returned to my office.

CMP _____

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CTR _____

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RCA _____

SCR _____

SGA _____

SEC _____

OTH _____

Please contact me if you have any questions about this transmittal. I appreciate your assistance in this matter.

Sincerely,

John T. Butler

Enclosures

cc: Counsel for Parties of Record (w/encl.)

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

1 copy records

DOCUMENT NUMBER-DATE

03684 MAY-1 8

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: May 1, 2007

**FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
GRANTED BY ORDER NO. PSC-05-1079-CFO-EI FOR INFORMATION
PROVIDED PURSUANT TO STAFF'S FOURTH SET OF
INTERROGATORIES NOS. 9 THROUGH 11**

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-05-1079-CFO-EI For Information Provided Pursuant To Staff's Fourth Set of Interrogatories Nos. 9 through 11. 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 33408

2. On October 3, 2005, FPL filed with the Commission a Request for Confidential Classification of Information pursuant to Staff's Fourth Set of Interrogatories Nos. 9 through 11. The information for which confidential classification

was sought related to FPL's 2005 and 2006 hedging results and projections. FPL's initial filing consisted of the October 3, 2005 Request and attached Exhibits A through D. FPL adopts and incorporates by reference its October 3, 2005 Request, including Exhibits A, B, C and D thereto.

3. By Order No. PSC-05-1079-CFO-EI, dated November 2, 2005, the Commission granted FPL's October 3, 2005 Request.

4. The period of confidential treatment granted by Order No. PSC-05-1079-CFO-EI will soon expire. All of the information that was the subject of FPL's October 3, 2005 Request warrants continued treatment as proprietary and confidential business information with the meaning of section 366.093(3).

5. Included herewith and made a part hereof as Exhibit D (Revised) is the affidavit of Gerard Yupp, which supplements Exhibit D to the October 3, 2005 Request.

6. FPL submits that the information identified on Exhibit C to the October 3, 2005 Request continues to be 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 continue to be as set forth in Exhibit C to the October 4, 2005 Request 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 (Revised). As indicated in said affidavit, all highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3).

8. The material for which FPL seeks continued confidential classification is intended to be and is treated by FPL as private and confidential, and it has not been disclosed. Nothing has changed since the issuance of Order No. PSC-05-1079-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate.


9. Accordingly, FPL requests that the information identified in Exhibit C and highlighted in Exhibit A to the October 3, 2005 Request and referenced in Order No. PSC-05-1079-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, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification Granted by Order No. PSC-05-1079-CFO-EI For Information Provided Pursuant To Staff's Fourth Set of Interrogatories Nos. 9 through 11 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 the foregoing has been furnished by overnight delivery (*) or United States mail this 30th day of April, 2007, to the following:

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

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Pensacola, Florida 32576-2950

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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: _____

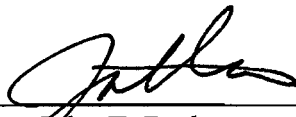

John T. Butler

EXHIBIT D (REVISED)

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. I have reviewed the documents and information for which I am listed as Affiant in Exhibit C and which are included in Exhibit A to FPL's Request for Confidential Classification of Certain Information Responsive to Staff's Fourth Set of Interrogatories (Nos.9 through 11). The documents and materials that I have reviewed and that FPL asserts in Exhibit C to be proprietary confidential business information, contain or constitute fuel hedging information. Disclosure of this information would impair the competitive interests of FPL, as well as FPL's ability to contract 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. 05-1079-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 over a horizontal line, with the printed name Gerard J. Yupp below it.

SWORN TO AND SUBSCRIBED before me this 30 day of April 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 over a horizontal line, with the printed title Notary Public, State of Florida below it.

My Commission Expires:

