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COMMISSION
CLERK

June 20, 2007

-VIA OVERNIGHT DELIVERY -

Ms. Ann Cole, Director
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 070001-EI

Dear Ms. Cole:

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-05-1248-CFO of information contained in Late Filed Exhibits 1 and 2 to the deposition of FPL witness Gerard Yupp, 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 document appears is Word 2003.

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

CMP _____

COM _____

CTR _____

ECR

GCL

Enclosure

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

RCA _____

SCR _____

SGA _____

SEC _____

OTH *conf records*

Sincerely,

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

DOCUMENT NUMBER-DATE

04987 JUN 21 08

FPSC-COMMISSION CLERK

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: June 21, 2007

FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION GRANTED BY ORDER NO. PSC-05-1248-CFO-EI FOR YUPP LATE FILED DEPOSITION EXHIBITS 1 AND 2

NOW BEFORE THE COMMISSION, through the undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to rule 25-22.006, F.A.C., 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-05-1248-CFO-EI of information contained in Late Filed Exhibits 1 and 2 to the deposition of FPL witness Gerard Yupp ("LFX 1 and 2"). In support of this First Request of 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 November 22, 2005 FPL filed with the Commission a Request for Confidential Classification of Yupp Late Filed Deposition Exhibits 1 and 2 (the

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

“November 22, 2005 Request”). FPL’s initial filing consisted of the November 22, 2005 Request and attached Exhibits A through D. FPL adopts and incorporates by reference its November 22, 2005 Request, including Exhibits A, B, C and D thereto.

3. By Order No. PSC-05-1248-CFO-EI dated December 22, 2005, the Commission granted FPL’s November 22, 2005 Request.

4. The period of confidential treatment granted by Order No. PSC-05-1248-CFO-EI will soon expire. All of the information that was the subject of FPL’s November 22, 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 J. Yupp, which supplements Exhibit D to the November 22, 2005 Request.

6. FPL submits that the information identified on Exhibit C to the November 22, 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 November 22, 2005 Request under the column entitled “Florida Statute 366.093(3) Subsection.” 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 affidavit that is attached hereto as Exhibit D (Revised). As indicated in the 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-05-1248-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 November 22, 2005 Request and referenced in Order No. PSC-05-1248-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-05-1248-CFO-EI For Yupp Late Filed Deposition Exhibits 1 and 2 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: Kevin M. Dubin per JTB
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 forgoing has been furnished by overnight delivery (*) or United States mail this 20th day of June, 2007, to the following::

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

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Office of Public Counsel
c/o The Florida Legislature
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Tallahassee, Florida 32399

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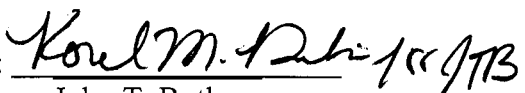
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By: 
John T. Butler

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re : Fuel and Purchase Power)
Cost recovery Clause with Generating)
Performance Incentive factor)

DOCKET NO. 070001-EI

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), Energy Marketing and Trading (EMT) Division, as Director of Wholesale Operations. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C and the documents that are included in Exhibit A to FPL's Request for Confidential Classification of Yupp Deposition Late File Exhibits 1 & 2, dated November 22, 2005. The documents that I have reviewed which FPL identifies as confidential in Exhibit C are proprietary confidential business 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.

3. No significant changes have occurred since the issuance of Order No. 05-1248-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 18th day of June 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:

