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August 2, 2007

**-VIA OVERNIGHT DELIVERY -**

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

**Re: Docket No. 070007-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 Request for Confidential Classification of Information Provided Pursuant to Audit No. 07-071-4-1, 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. Pursuant to Rule 25-22.006, F.A.C., I am also enclosing one highlighted and two redacted copies of the confidential documents that are the subject of this request.

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

Sincerely,

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

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL 1 \_\_\_\_\_
- OPC \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SGA \_\_\_\_\_
- SEC \_\_\_\_\_
- OTH 1 copy  
records

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

DOCUMENT NUMBER-DATE  
06641 AUG-25



highlighted. Composite Exhibit A is submitted separately in a sealed folder marked “CONFIDENTIAL.”

b. Composite Exhibit B consists of an edited version of Exhibit A on which all information FPL asserts is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing a line-by-line and page-by-page identification of the information for which confidential treatment is sought, and, with regard to each document or portions thereof, references to the specific statutory basis or bases for the claim of confidentiality and to the affidavits in support of the requested classification.

d. Exhibit D consists of the affidavits of Korel M. Dubin and Roger F. Messer in support of this Request.

4. FPL seeks confidential protection for the information highlighted in Exhibit A. The highlighted information is proprietary confidential business information within the meaning of Section 366.093(3). The information is intended to be, and has been, treated by FPL as confidential.

5. Pursuant to Section 366.093, the information highlighted in Exhibit A is entitled to confidential treatment and is 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.

6. 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) Subsection.” The letters (d) or (e) in that column refer to subsection(s) of Section 366.093(3) that provide justification for the Request. Further support for the Request is provided through the affidavits of Korel M. Dubin and Roger F. Messer, included as Exhibit D.

7. A portion of the information that FPL asserts is proprietary and confidential business information consists of data related to FPL’s fuel and power purchase transactions and to FPL’s practices and procedures for such transactions. The disclosure of such information would inhibit FPL’s ability to enter into power purchase transactions on favorable terms for the benefit of its customers in the future and/or would impair the competitive interests of FPL. Disclosing certain of this information would also place FPL at a competitive disadvantage when coupled with other information that is publicly available. The information described in this paragraph is protected from disclosure by Section 366.093(3)(d) and (e).

8. FPL also seeks confidential classification of customer billing information, including banking account information. FPL’s long-standing policy is to keep customer billing information confidential to protect customers’ privacy and business interests. This customer billing information qualifies as proprietary confidential business information because disclosing it without the customers’ consent would cause them harm within the meaning of Section 366.093(3), including but not limited to subsection (e).

9. Upon a finding by the Commission that the information highlighted in Exhibit A, 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 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 that its Request for Confidential Classification be granted.

Respectfully submitted,

R. Wade Litchfield, Esq.  
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John T. Butler, Esq.  
Senior Attorney  
Law Department  
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By: *Kerl M. Dubin for JTB*  
John T. Butler  
Florida Bar No. 283479

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 070007-EI**

**I, THE UNDERSIGNED COUNSEL, HEREBY CERTIFY** that a copy of Florida Power & Light Company's Request for Confidential Classification of Certain Information Obtained in Connection With Audit Control No. 07-071-4-1 (\*) has been served by overnight delivery (\*\*) or U.S. Mail to the parties below on this 2<sup>nd</sup> day of August, 2007.

Martha Brown, Esq.\*\*  
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Florida Public Service Commission  
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Tallahassee, Florida 32399-0850

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

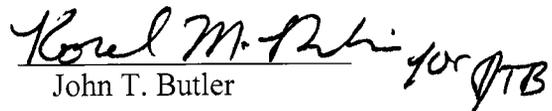
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By:   
John T. Butler

\* Due to their volume, the exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.

STATE OF FLORIDA

COMMISSIONERS:  
LISA POLAK EDGAR, CHAIRMAN  
MATTHEW M. CARTER II  
KATRINA J. McMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP



OFFICE OF COMMISSION CLERK  
ANN COLE  
COMMISSION CLERK  
(850) 413-6770

**Public Service Commission** **CONFIDENTIAL**

ACKNOWLEDGEMENT

DATE: 8/2/07

TO: John T. Butler/FPL

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket Number 070007-EI or, if filed in an undocketed matter, concerning Audit No. 07-071-4-1, and filed on behalf of FPL. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

DOCUMENT NUMBER - DATE  
06642 AUG-2 07  
FPSC-COMMISSION CLERK

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