

John T. Butler
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5639
(561) 691-7135 (Facsimile)
E-mail: john_butler@fpl.com

September 4, 2007

RECEIVED-PPSC
07 SEP -4 PM 12:00
COMMISSION
CLERK

-VIA HAND DELIVERY -

Ms. Ann Cole
Commission Clerk
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 the petition of Florida Power & Light Company for Approval of its Levelized Fuel Cost Recovery Factors, Capacity Cost Recovery Factors, and Generating Performance Incentive Factors for January through December 2008, together with a diskette containing the electronic version of same.

Also enclosed for filing are the original and (15) fifteen copies of the prefiled testimony and exhibits of Florida Power & Light Company witnesses K. Dubin, F. Irizarry, T. Jones, and G. Yupp.

Finally, 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 Short Term Capacity Payment Information and Corporate Security Investigative Report, 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. Please note that copies of Schedule E12 and the Corporate Security Investigative Report that contain highlighted and unredacted confidential information are enclosed with the original of the Request, in a separate sealed folder marked "Confidential."

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

Sincerely,

Kevin M. Dubin
for JTB
John T. Butler

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

DOCUMENT NUMBER-DATE

07967 SEP-4 8

FPSC-COMMISSION CLERK

CMP _____
COM _____
CTR _____
ECR 1 ~~1~~ Diskette
GCL 1
OPC _____
RCA _____
SCR _____
SGA _____
SEC _____
OTH 1 Conf. Records

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: September 4, 2007

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

Florida Power & Light Company ("FPL"), pursuant to Rule 25-22.006, F.A.C., and Section 366.093, Florida Statutes, requests confidential classification of the Corporate Security Investigative Report contained in Exhibit TOJ-1 to the prepared testimony of FPL witness T.O. Jones as well as certain information on short term capacity payments contained in Schedule E12 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 highlighted copy of the Corporate Security Investigative Report, and a copy of Schedule E12 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 the redacted Corporate Security Investigative Report and two copies of Schedule E12 in which all of the Confidential

DOCUMENT NUMBER-DATE
07967 SEP-4 5
FPSC-COMMISSION CLERK

Information has been redacted. A copy of this redacted Corporate Security Investigative Report is included in the bound copy of the prepared testimony of FPL witness T.O. Jones. A copy of Schedule E12 with the Confidential Information redacted is included in the bound copy of the prepared testimony of FPL witness K.M. Dubin.

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 is comprised of the affidavits of Mr. Gerard Yupp and Mr. David Noznesky.

3. FPL seeks confidential protection for the Corporate Security Investigative Report. That report is confidential because it relates to security and, if made public, would disclose certain details about FPL's security measures, system or procedures to the detriment of FPL, its customers and the general public, *see* § 366.093(3)(c), Fla. Stat..

4. FPL also seeks confidential protection for short term capacity information contained in Schedule E12. 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.

5. 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.

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

7. 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 Corporate Security Investigative Report and of the Confidential Information contained in Schedule E12.

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: Karl M. Duhon
John T. Butler
Fla. Bar No. 283479

for JT B

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 and Corporate Security Investigative Report was served by hand delivery (*) or United States mail on this 4th day of September, 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

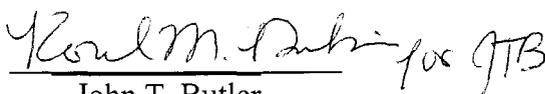
By: 
John T. Butler

Exhibit B

Redacted Documents

CONFIDENTIAL

1 Florida Power & Light Company

2 Docket No. 070001-EI

3 Schedule E12

4 Page 2 of 2

5

<u>Contract</u>	<u>Counterparty</u>	<u>Identification</u>	<u>Contract End Date</u>
1	Southern Power Company (Oleander)	Other Entity	May 31, 2012
2	Reliant Energy Services (Indian River)	Other Entity	December 31, 2009
3	Williams Power Company	Other Entity	December 31, 2009
4	Constellation Energy Commodities Group, Inc.	Other Entity	April 30, 2009

11

12

13 **Capacity In MW**

<u>Contract</u>	<u>Jan-08</u>	<u>Feb-08</u>	<u>Mar-08</u>	<u>Apr-08</u>	<u>May-08</u>	<u>Jun-08</u>	<u>Jul-08</u>	<u>Aug-08</u>	<u>Sep-08</u>	<u>Oct-08</u>	<u>Nov-08</u>	<u>Dec-08</u>
1	158	158	158	158	158	158	158	158	158	158	158	158
2	576	576	576	576	576	576	576	576	576	576	576	576
3	106	106	106	106	106	106	106	106	106	106	106	106
4	93	93	48	48	48	48	48	48	48	48	48	93
Total	933	933	888	888	888	888	888	888	888	888	888	933

20

21

22 **Capacity In Dollars**

<u>Contract</u>	<u>Jan-08</u>	<u>Feb-08</u>	<u>Mar-08</u>	<u>Apr-08</u>	<u>May-08</u>	<u>Jun-08</u>	<u>Jul-08</u>	<u>Aug-08</u>	<u>Sep-08</u>	<u>Oct-08</u>	<u>Nov-08</u>	<u>Dec-08</u>
1												
2												
3												
4												
Total	4,077,250	4,077,250	3,619,804	3,619,804	3,619,804	4,579,180	4,579,180	4,579,180	4,579,180	3,619,804	3,619,804	4,077,250

29

30 Total Short Term Capacity Payments for 2007 48,647,490 (1)

31

(1) September 4, 2007 Projection Filing, Appendix III, page 3, line 2

32

33

34

35

36

37

38

39

Corporate Security Investigative Report
CONFIDENTIAL document consisting of 4 pages

TOJ - 1
DOCKET NO. 070001-EI
EXHIBIT
SEPTEMBER 4, 2007

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

STATE OF FLORIDA



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

CONFIDENTIAL

Public Service Commission

ACKNOWLEDGEMENT

DATE: 9/4/07

TO: J. Butler/FPL

FROM: R. Nettles, Office of Commission Clerk

RE: **Acknowledgement of Receipt of Confidential Filing**

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 070001-EI or, if filed in an undocketed matter, concerning Short Term Capacity Payment Information and Corporate Security Report, 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
07968 SEP -4 07
FPSC-COMMISSION CLERK

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850
An Affirmative Action/Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

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

STATE OF FLORIDA



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

Public Service Commission

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

DATE: September 6, 2007

TO: _____ OFFICE OF THE GENERAL COUNSEL
_____ DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT
XX _____ DIVISION OF ECONOMIC REGULATION
_____ DIVISION OF REGULATORY COMPLIANCE AND
_____ CONSUMER ASSISTANCE

FROM: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCUMENT NO(s): 07968-07

DESCRIPTION: FPL (Butler) - (CONFIDENTIAL) Corporate security investigative report contained in Exh TOJ-1 to prepared testimony of T.O. Jones; and certain information on short term capacity payments contained in Schedule E12 of Appendix II to prepared testimony of K.M. Dubin.

SOURCE: Florida Power & Light Company

DOCKET NO(s): 070001-EI

The above material was received with a request for confidential classification of short term capacity payment information and corporate security investigative report. Please prepare a recommendation for the attorney assigned to the case by completing the section below and forwarding a copy of this memorandum, together with a brief memorandum supporting your recommendation, to the attorney. Copies of your recommendation should also be provided to the Division of the Commission Clerk and Administrative Services, Bureau of Records and Hearing Services, and to the Office of General Counsel.