



Jessica Cano  
Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 304-5226  
(561) 691-7135 (Facsimile)

September 27, 2007

RECEIVED - PSC  
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COMMISSION  
CLERK

**VIA HAND DELIVERY**

Ms. Ann Cole  
Division of the Commission Clerk and  
Administrative Services  
Florida Public Service Commission  
Betty Easley Conference Center  
2540 Shumard Oak Boulevard, Room 110  
Tallahassee, FL 32399-0850

Re: Florida Power & Light's Request for Confidential Classification of Materials  
Provided in Docket No. 070432-EI

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Request for Confidential Classification regarding confidential information provided in response to Staff's First Request for Production of Documents (No. 1) in the above referenced docket. The original includes Exhibits B, C and D. The seven (7) copies do not include exhibits.

Attachment 2 to FPL's Notice of Intent to Request Confidential Classification, filed September 6, 2007, consisted of certain documents responsive to Staff's First Request for Production of Documents (No. 1), on which all information that FPL asserts is entitled to confidential treatment was highlighted. That confidential attachment is incorporated herein by reference as Exhibit A. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C consists of FPL's line by line justification for its Request for Confidential Classification. Composite Exhibit D contains four affidavits in support of FPL's Request for Confidential Classification. Also included with this filing is a computer diskette containing only FPL's Request for Confidential Classification and Exhibit C in word processing format.

Please contact me if you or your Staff has any questions regarding this filing.

Sincerely,

*Jessica Cano*  
Jessica Cano, Esq.

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

Enclosures

cc: Martha Brown (Office of General Counsel)  
Charles Beck (Office of Public Counsel)

*least records*

DOCUMENT NUMBER-DATE

08895 SEP 27 5

PSC-COMMISSION CLERK

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for authority to use deferral )  
accounting and for creation of a regulatory )  
asset for prudently incurred preconstruction )  
costs associated with development of clean )  
coal project, by Florida Power & Light )  
Company )

Docket No: 070432-EI

Dated: September 27, 2007

**FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

**NOW, BEFORE THIS COMMISSION**, through 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 requests confidential classification of certain information provided in response to document requests made by the Florida Public Service Commission ("Commission") staff ("Staff") in the above referenced docket. In support of its request, FPL states as follows:

1. The confidential information is contained in FPL's responses to Staff's First Request for Production of Documents No. 1 in the above referenced docket. FPL filed a Notice of Intent to Request Confidential Classification of this information on September 6, 2007.
2. Attachment 2 to FPL's Notice of Intent to Request Confidential Classification consists of the documents for which FPL requests confidential treatment, with the confidential information therein highlighted. That attachment is incorporated in this Request by reference as "Exhibit A".
3. The following exhibits are also included herewith and made a part of this request:
  - a. Exhibit B consists of edited versions of all documents for which FPL seeks

DOCUMENT NUMBER-DATE

08895 SEP 27 5

FPSC-COMMISSION CLERK

confidential treatment. All information for which FPL requests confidential treatment has been redacted in Exhibit B.

b. 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.

c. Composite Exhibit D includes the affidavits of Joseph Daley, Hiroshi Kasagi, Antonio DoVale, Jr., and Thomas Atlee.

4. FPL submits that the highlighted information previously provided and incorporated as Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. To the best of FPL's knowledge, the highlighted information has not been publicly disclosed. Pursuant to section 366.093, such information 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.

5. As the affidavits in Composite Exhibit D indicate, the information provided consists of contractual vendor data, including pricing and other terms, the disclosure of which could impair the efforts of FPL to contract for goods and services on favorable terms in the future, to the detriment of its customers. This information is protected by Section 366.093(3)(d), Florida Statutes. In addition, certain information is competitively sensitive insofar as FPL's vendors and contractors are concerned, and the disclosure of this information could afford their competitors an unfair advantage in competing for both FPL and non-FPL contracts. This

competitively sensitive information is protected by Section 366.093(3)(e), Florida Statutes.

6. Upon a finding by the Commission that the material in Exhibit A for which FPL seeks confidential treatment is proprietary confidential business information within the meaning of Section 366.093(3), such information should not be declassified for a period of at least eighteen (18) months. FPL further requests that the material be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business, pursuant to Section 366.093(4).

**WHEREFORE**, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavits included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

R. Wade Litchfield  
Associate General Counsel  
Bryan S. Anderson  
Natalie F. Smith  
Jessica A. Cano  
Attorneys for Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
Telephone: (561) 304-5226  
Facsimile: (561) 691-7135

By: Jessica Cano  
Jessica A. Cano  
Florida Bar No. 0037372

## CERTIFICATE OF SERVICE

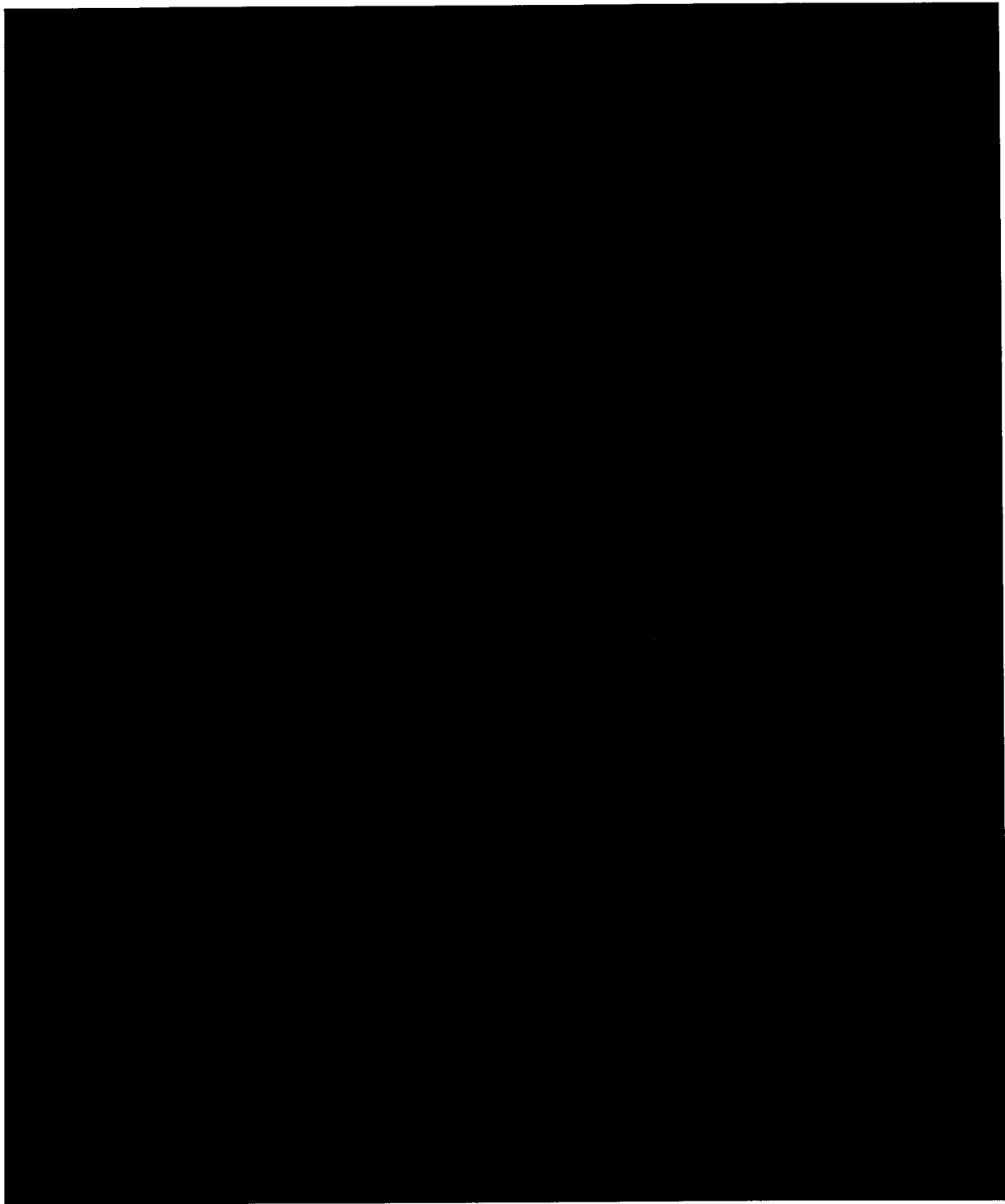
**I HEREBY CERTIFY** that a true and correct copy of Florida Power & Light Company's Request for Confidential Classification, without exhibits, has been furnished electronically and by United States Mail this 27<sup>th</sup> day of September, 2007, to the following:

Martha Brown, Esquire  
Senior Attorney  
Florida Public Service Commission  
Gerald L. Gunter Building  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

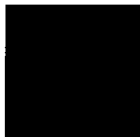
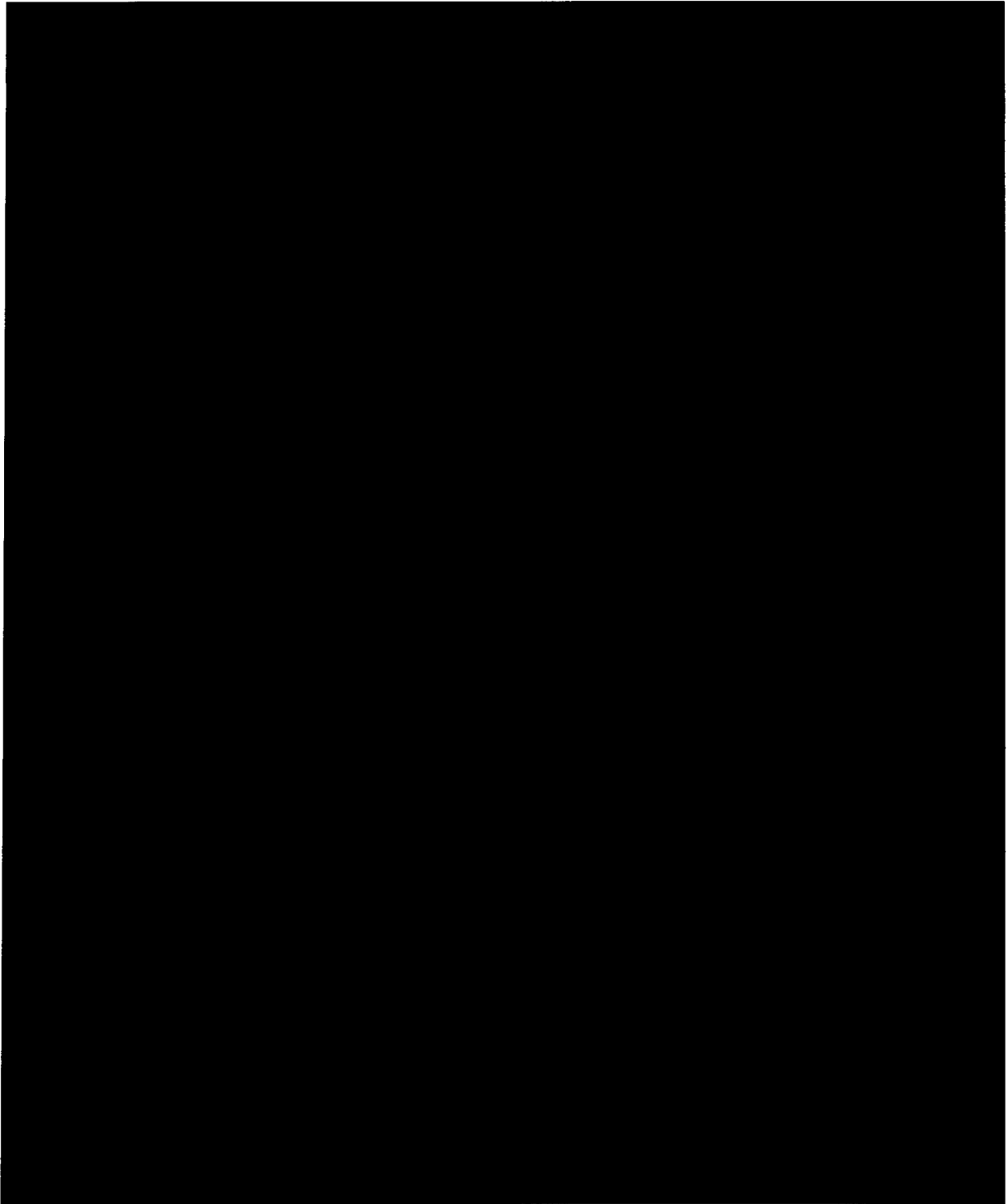
Charles J. Beck, Esquire  
Interim Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 W. Madison St., Room 812  
Tallahassee, FL 32399-1400

By: Jessica Cano  
Jessica Cano  
Florida Bar No. 0037372

# EXHIBIT B

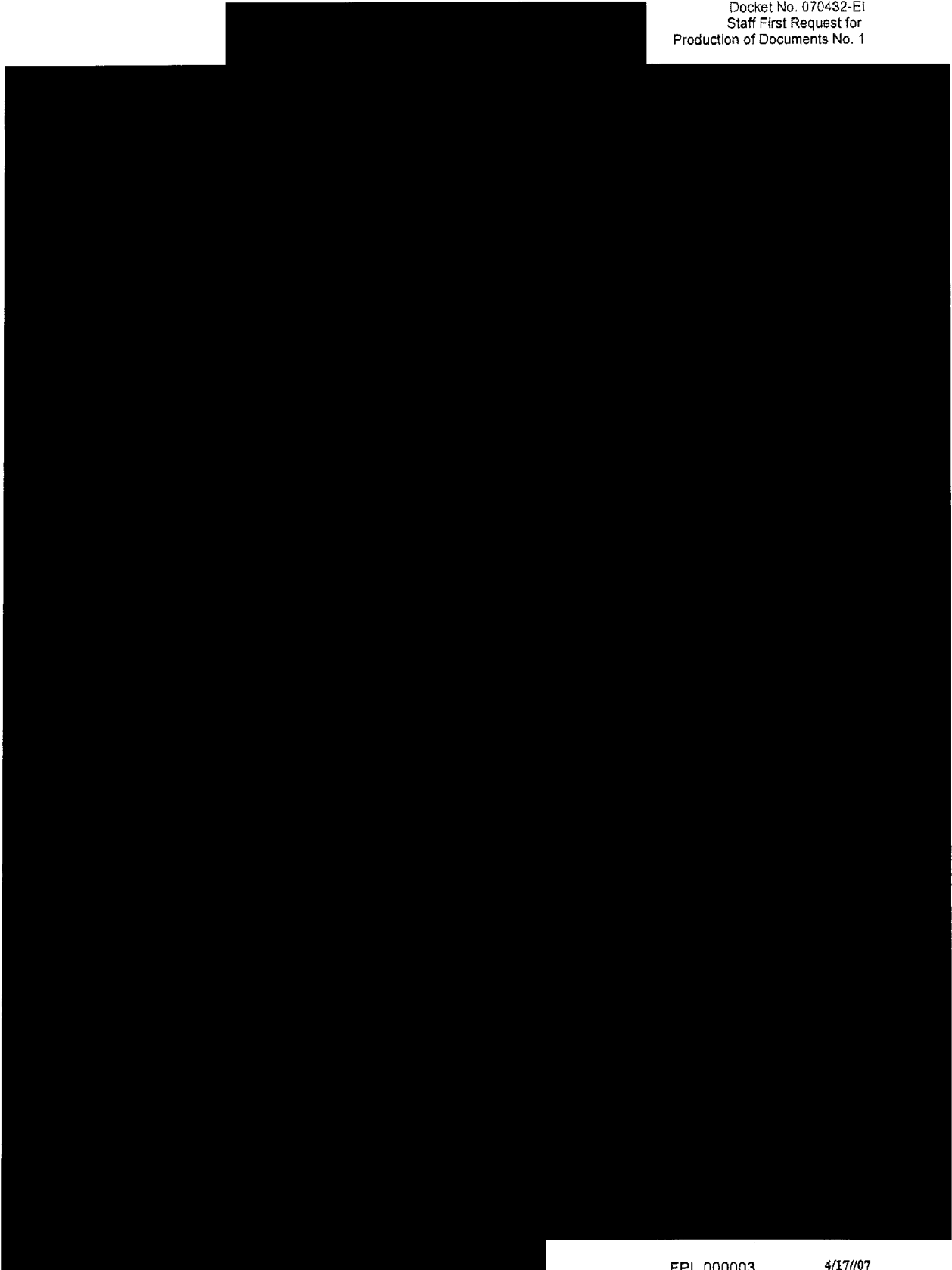


CONFIDENTIAL



CONFIDENTIAL

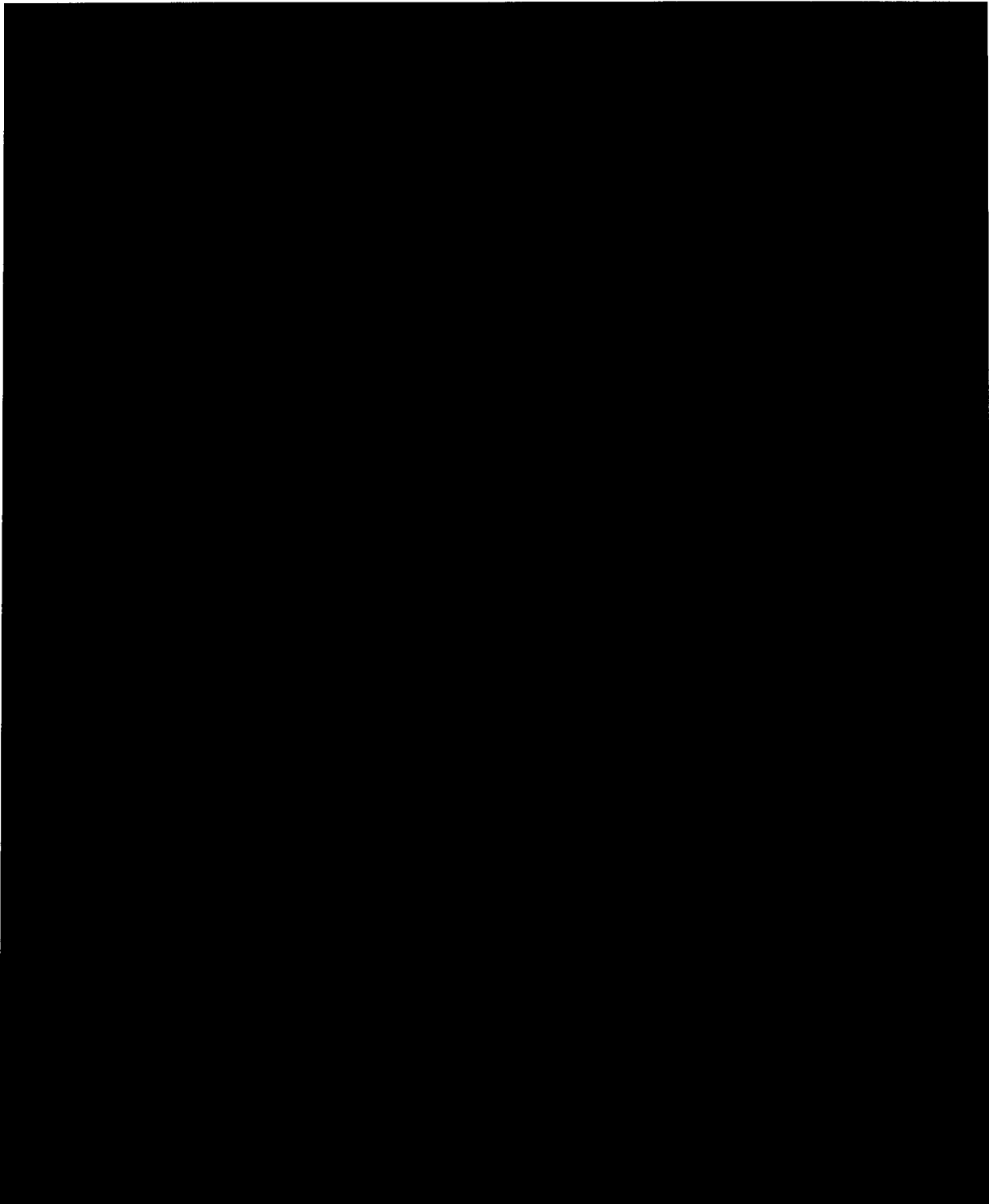




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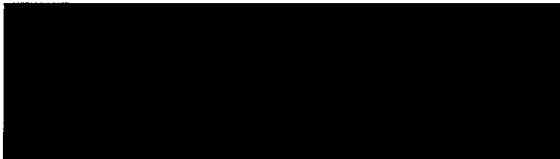
Docket No. 070432-EI  
Staff First Request for  
Production of Documents No. 1



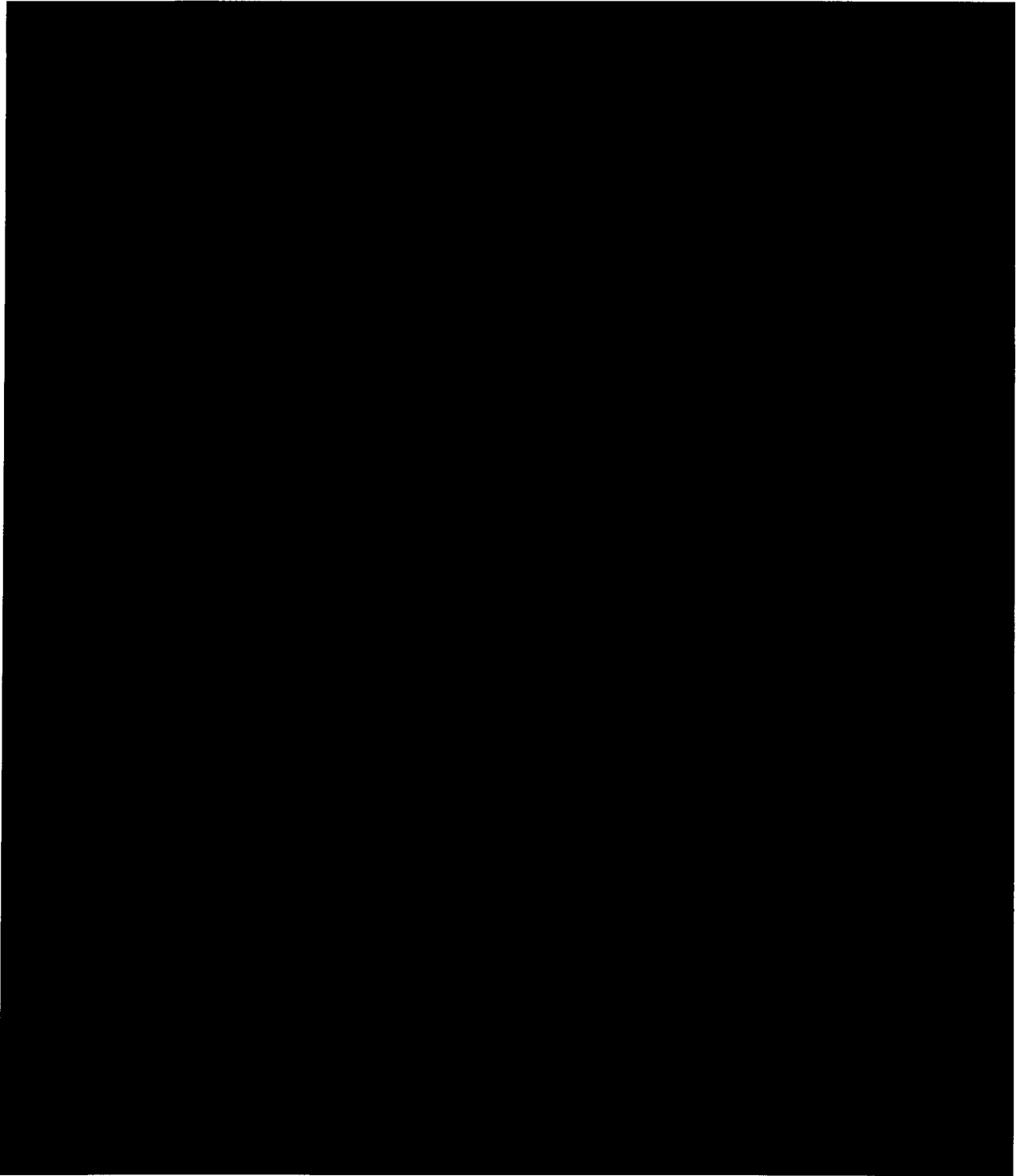
2 of 3  
Appendix B

FPL 000004

**CONFIDENTIAL**



Docket No. 070432-EI  
Staff First Request for  
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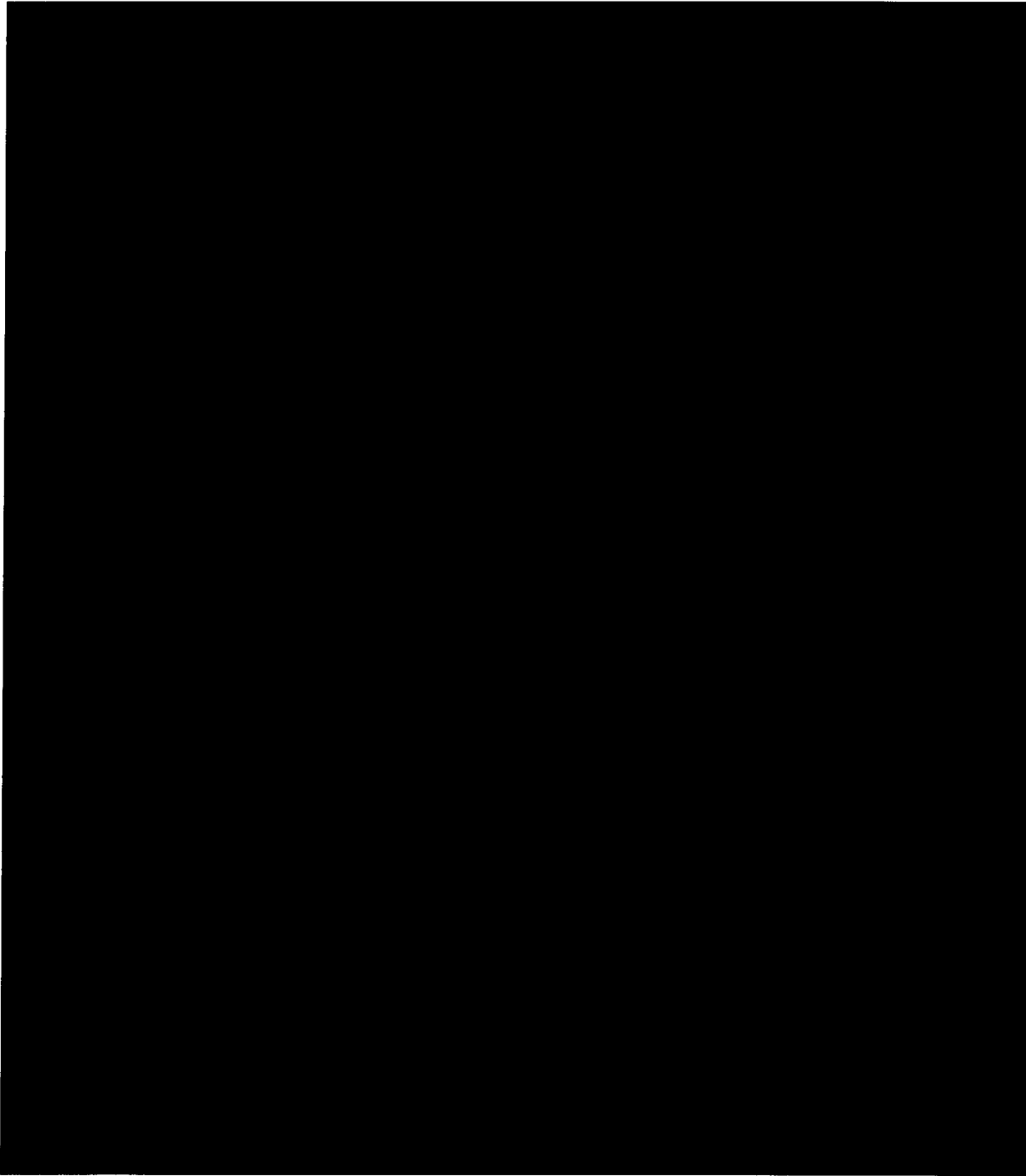
3 of 3  
Appendix B

FPL 000005

**CONFIDENTIAL**



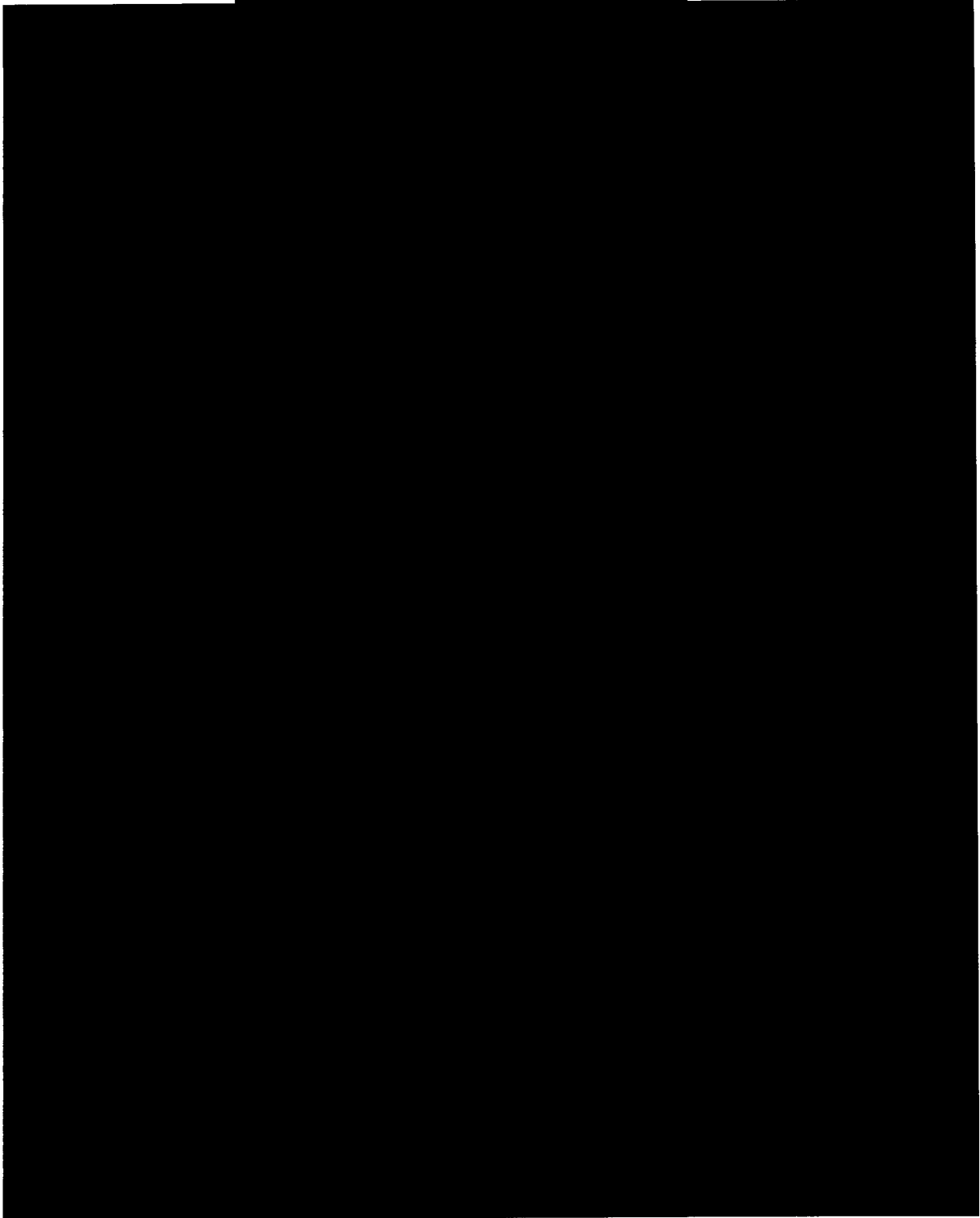
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FPL 000006

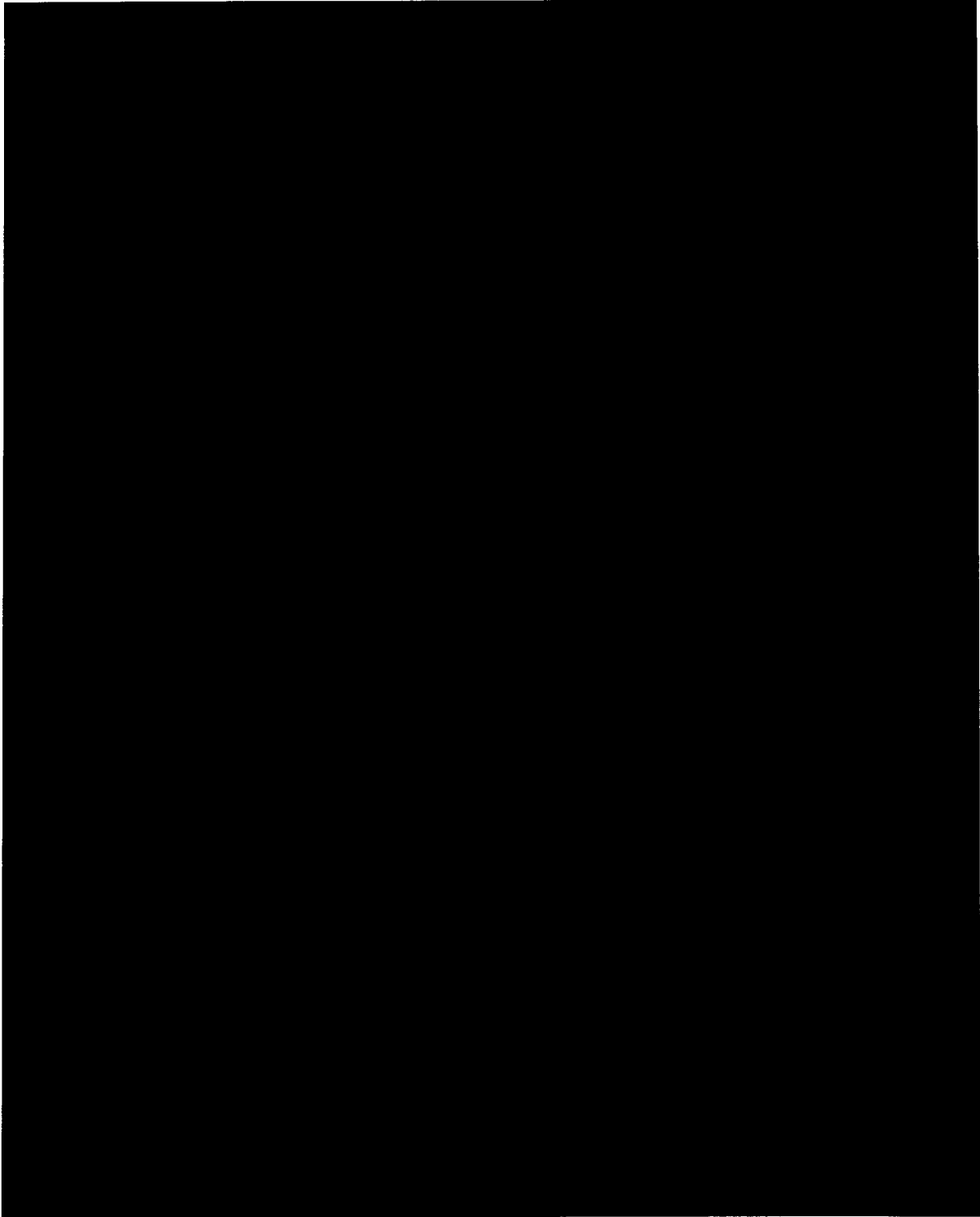
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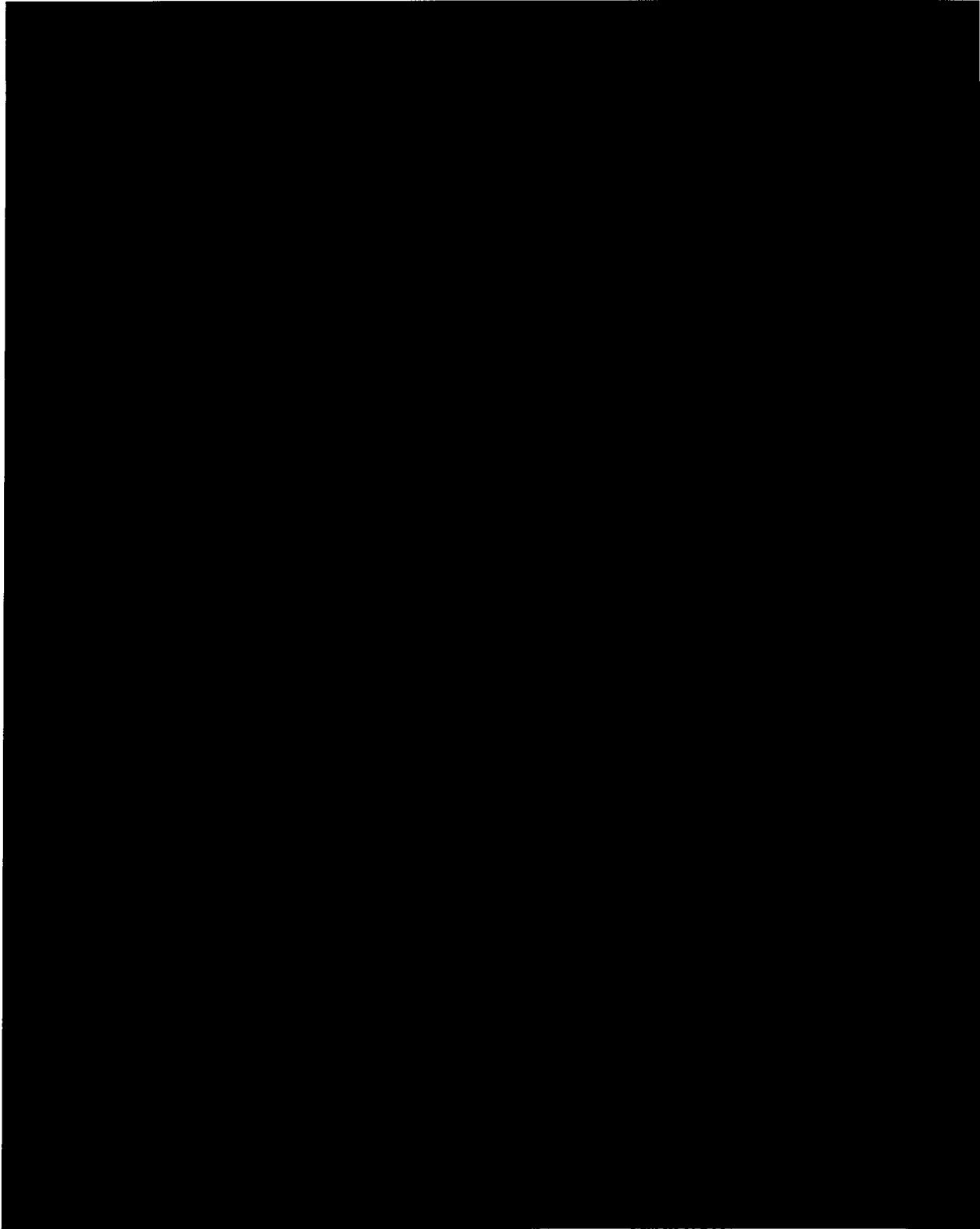
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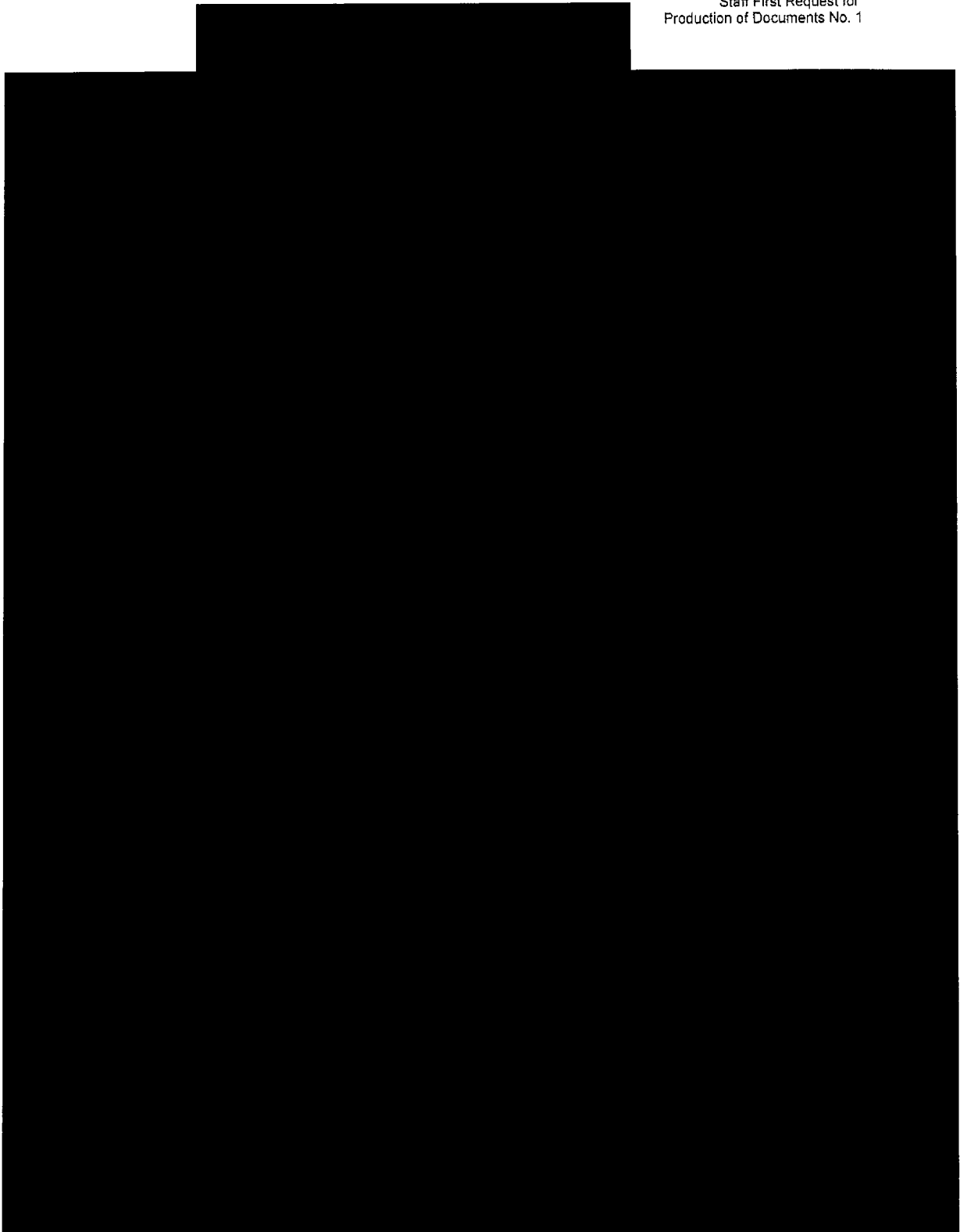
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March 8, 2007



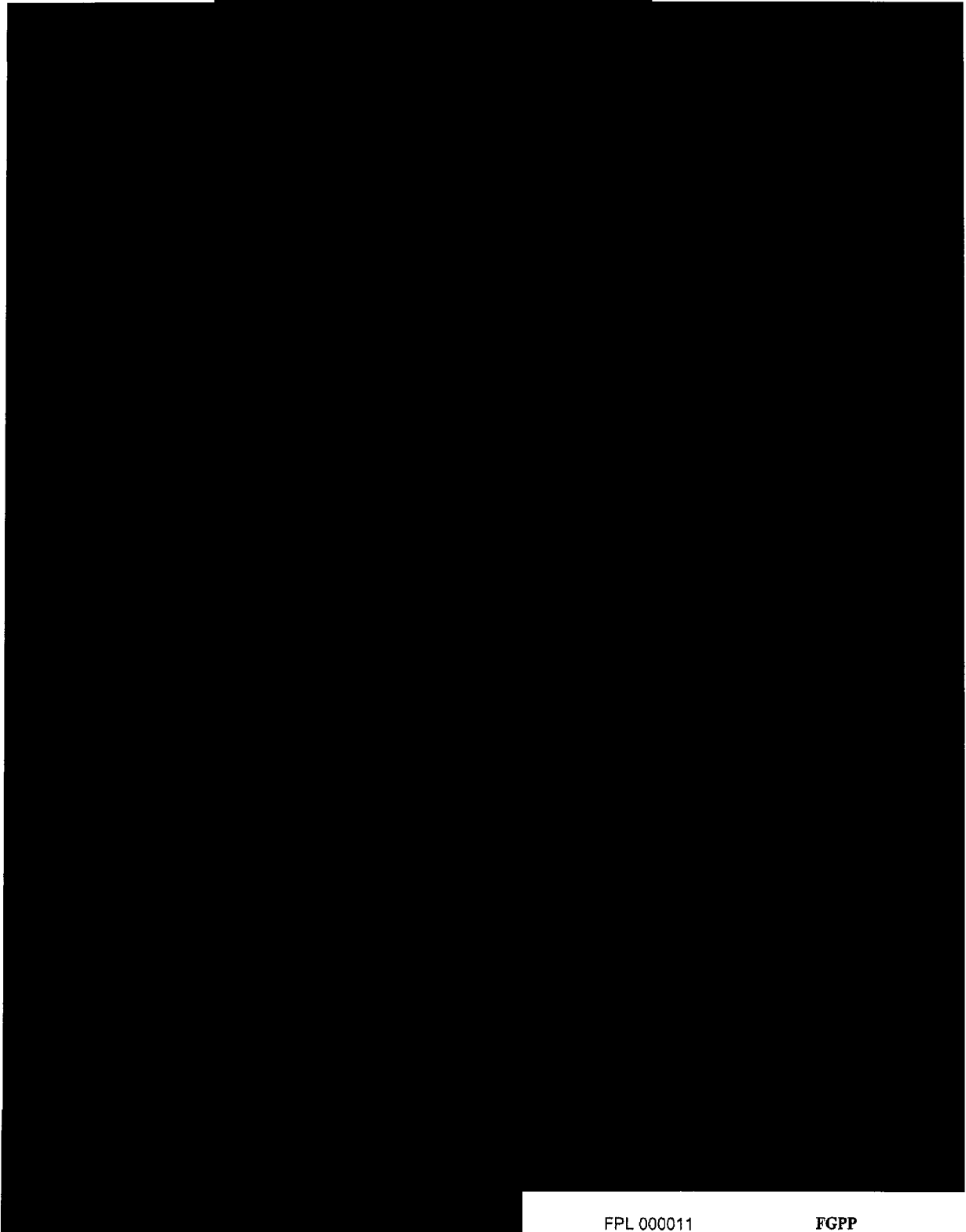
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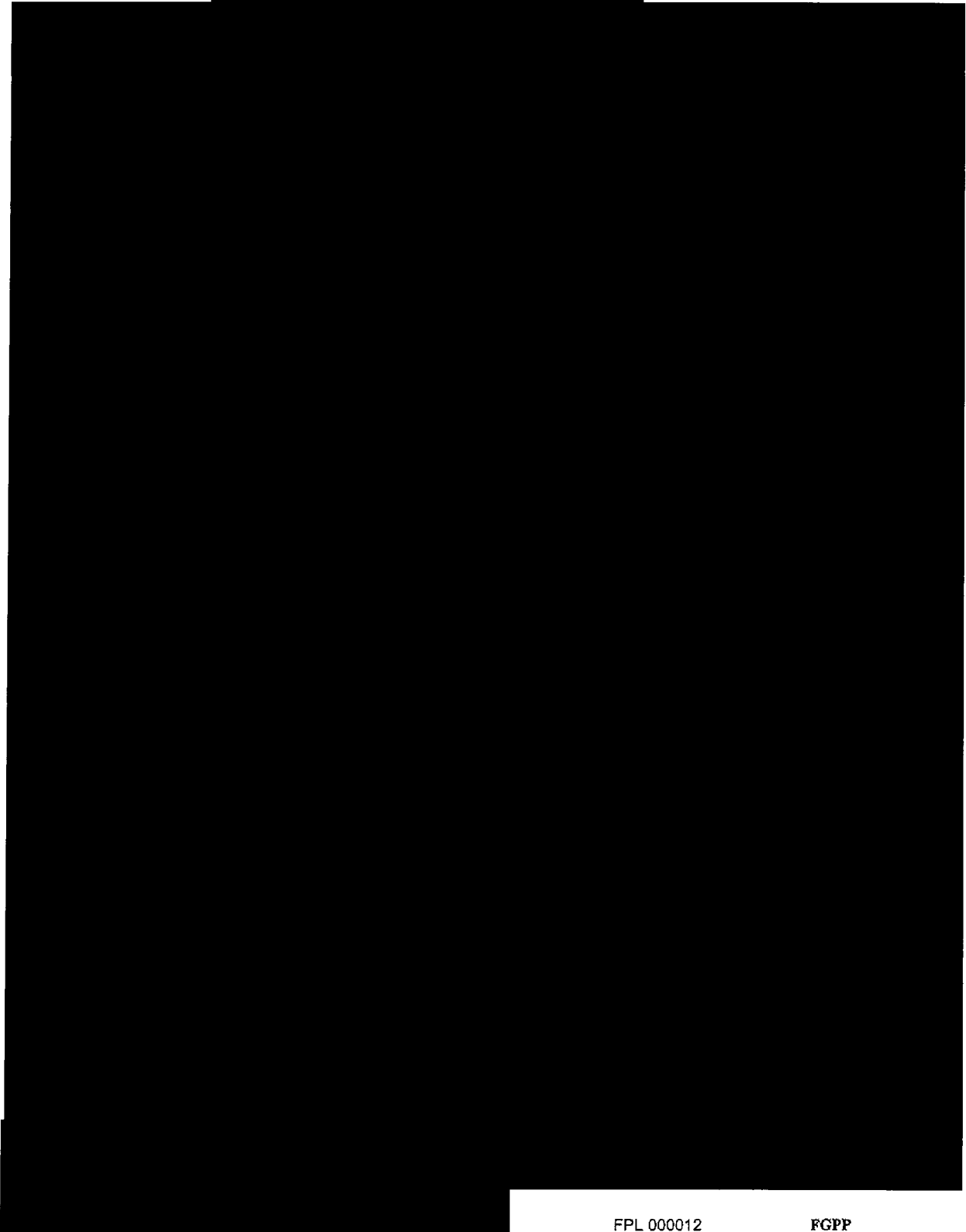


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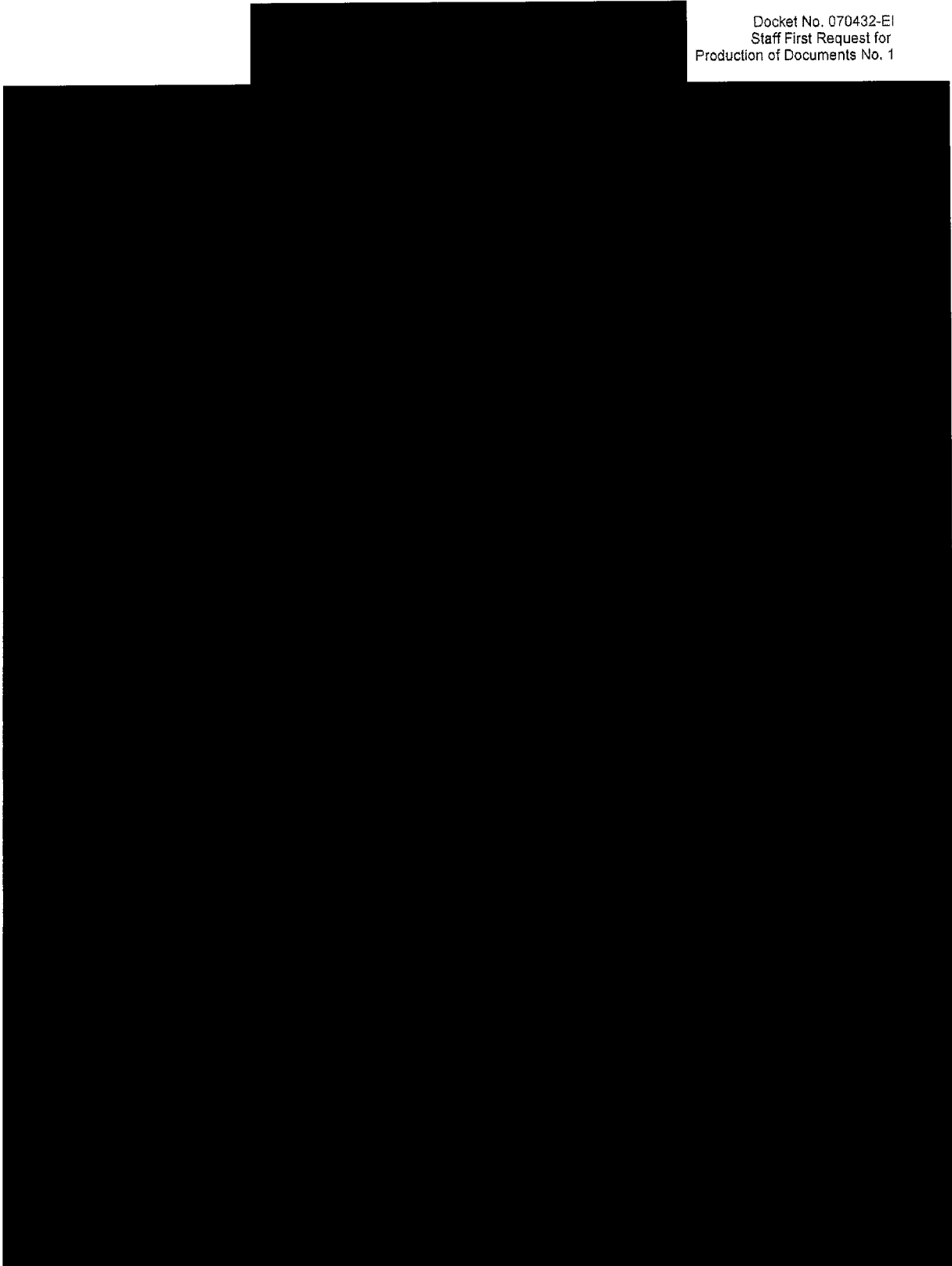




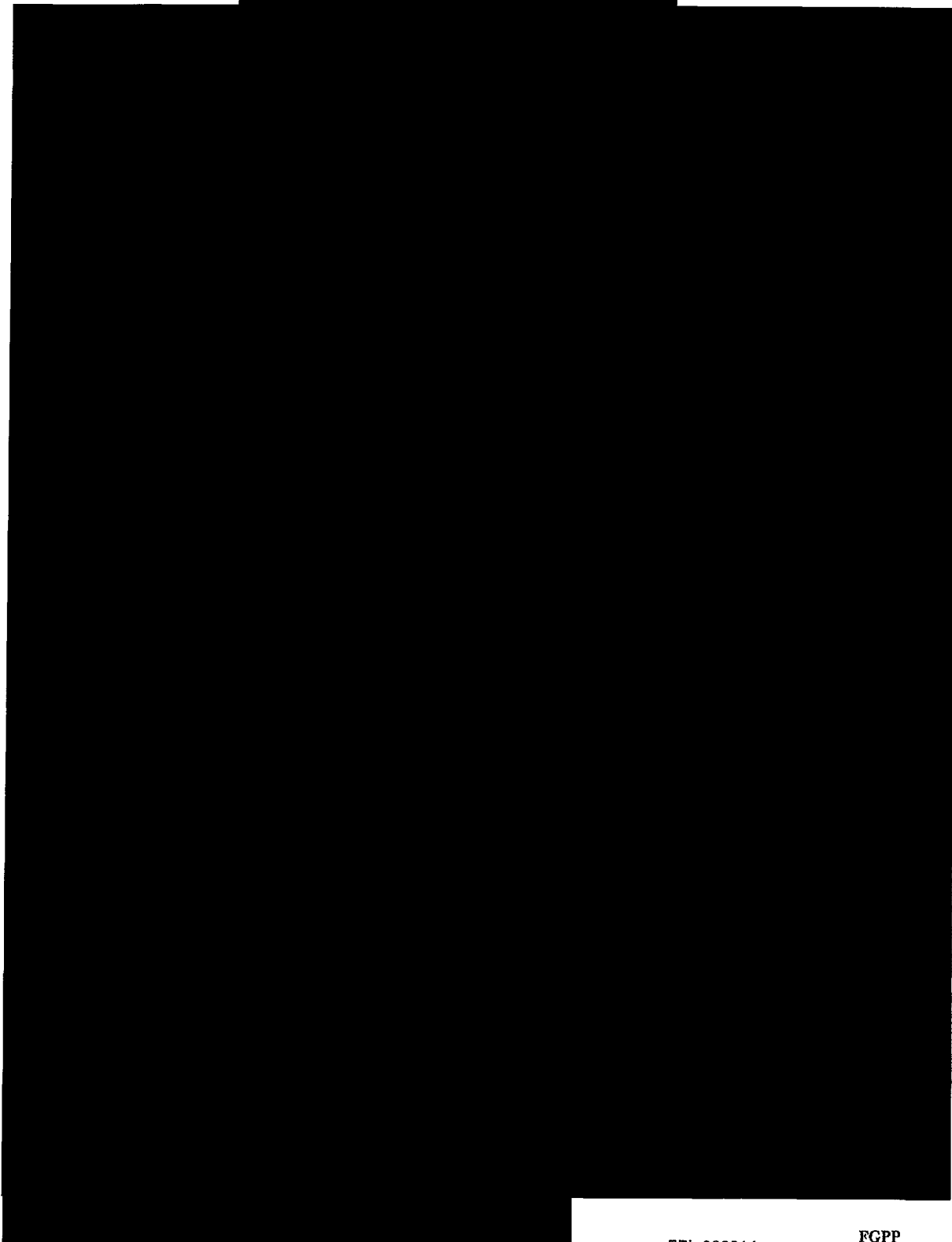
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Docket No. 070432-EI  
Staff First Request for  
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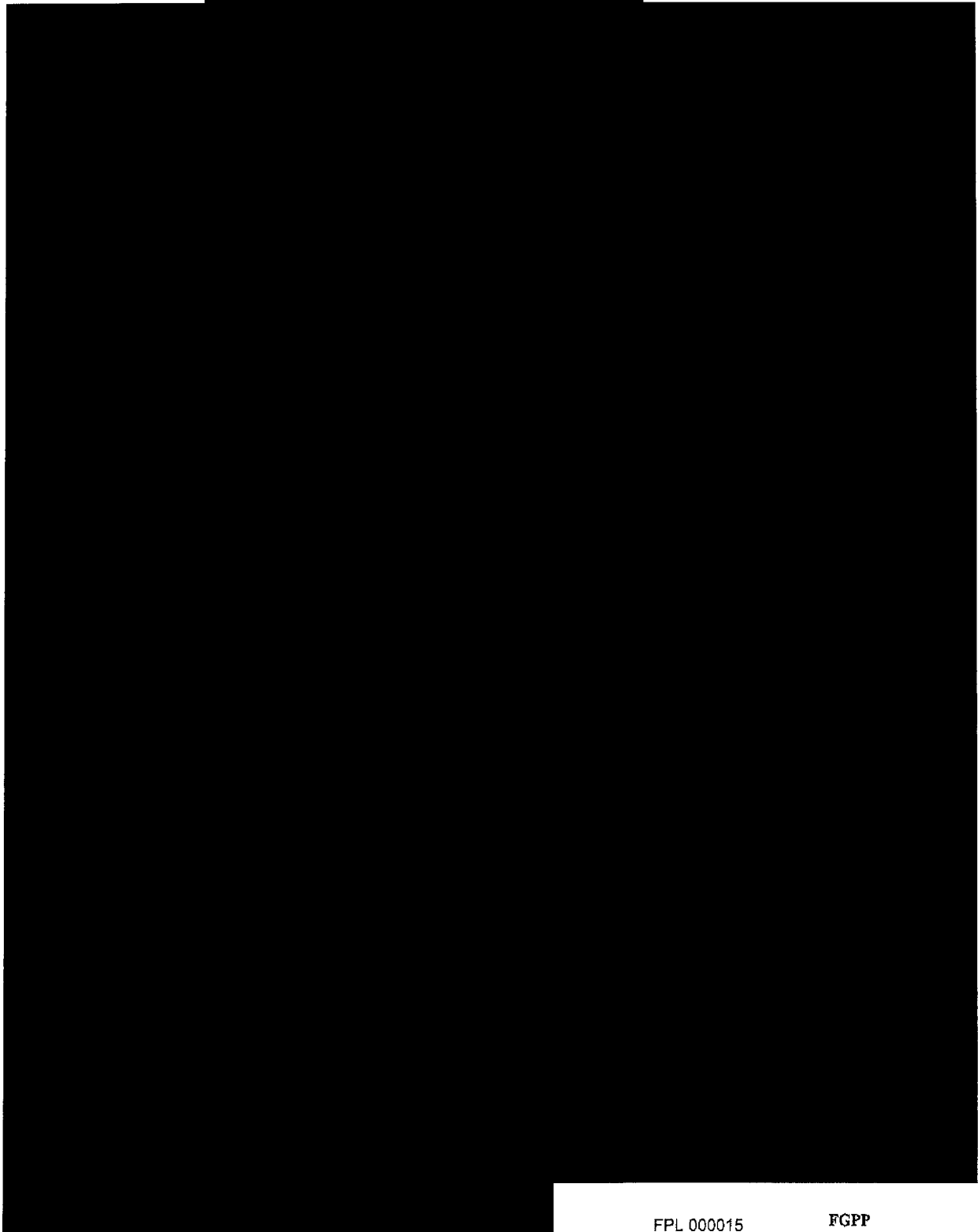


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FPL 000014

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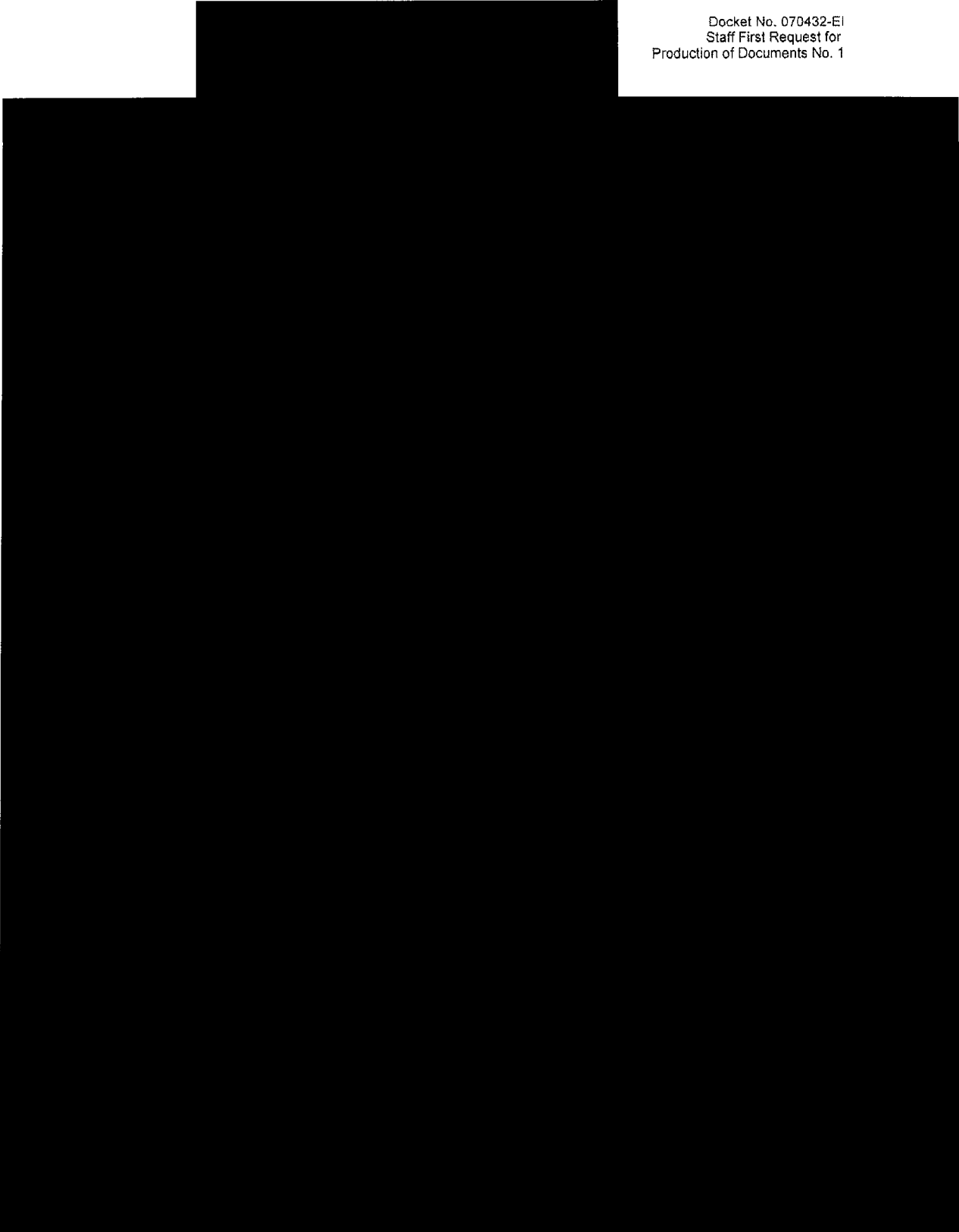
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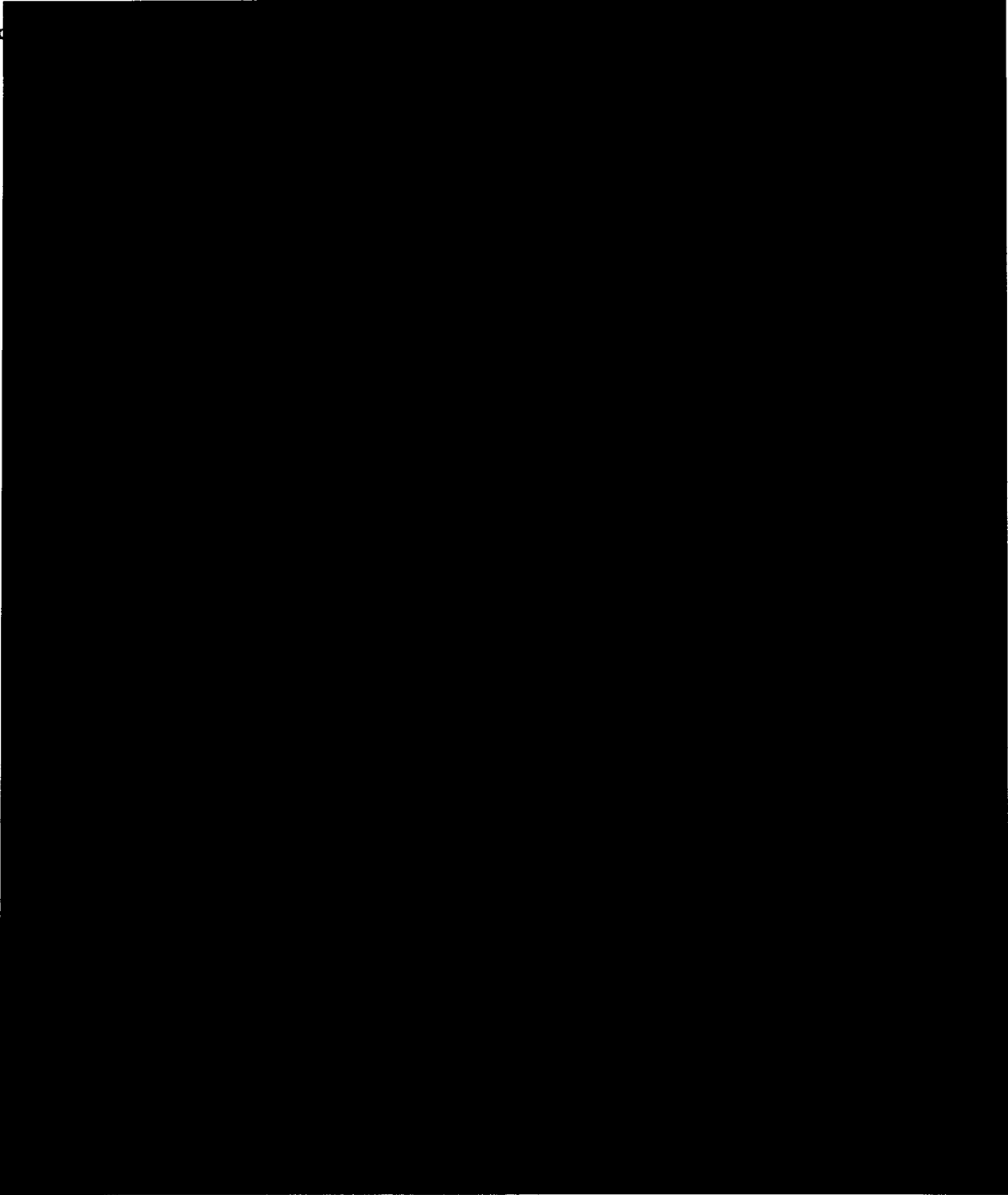
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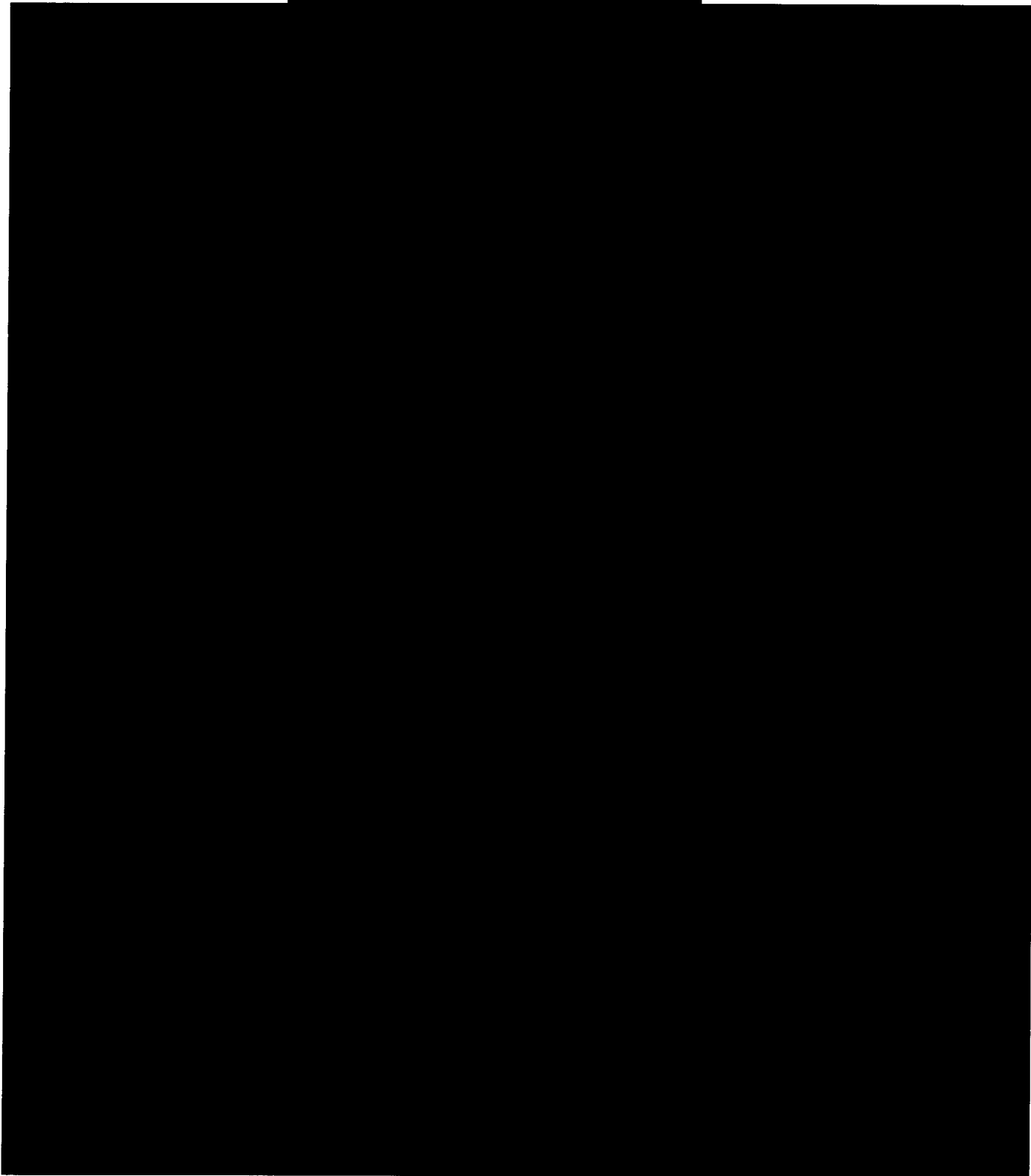


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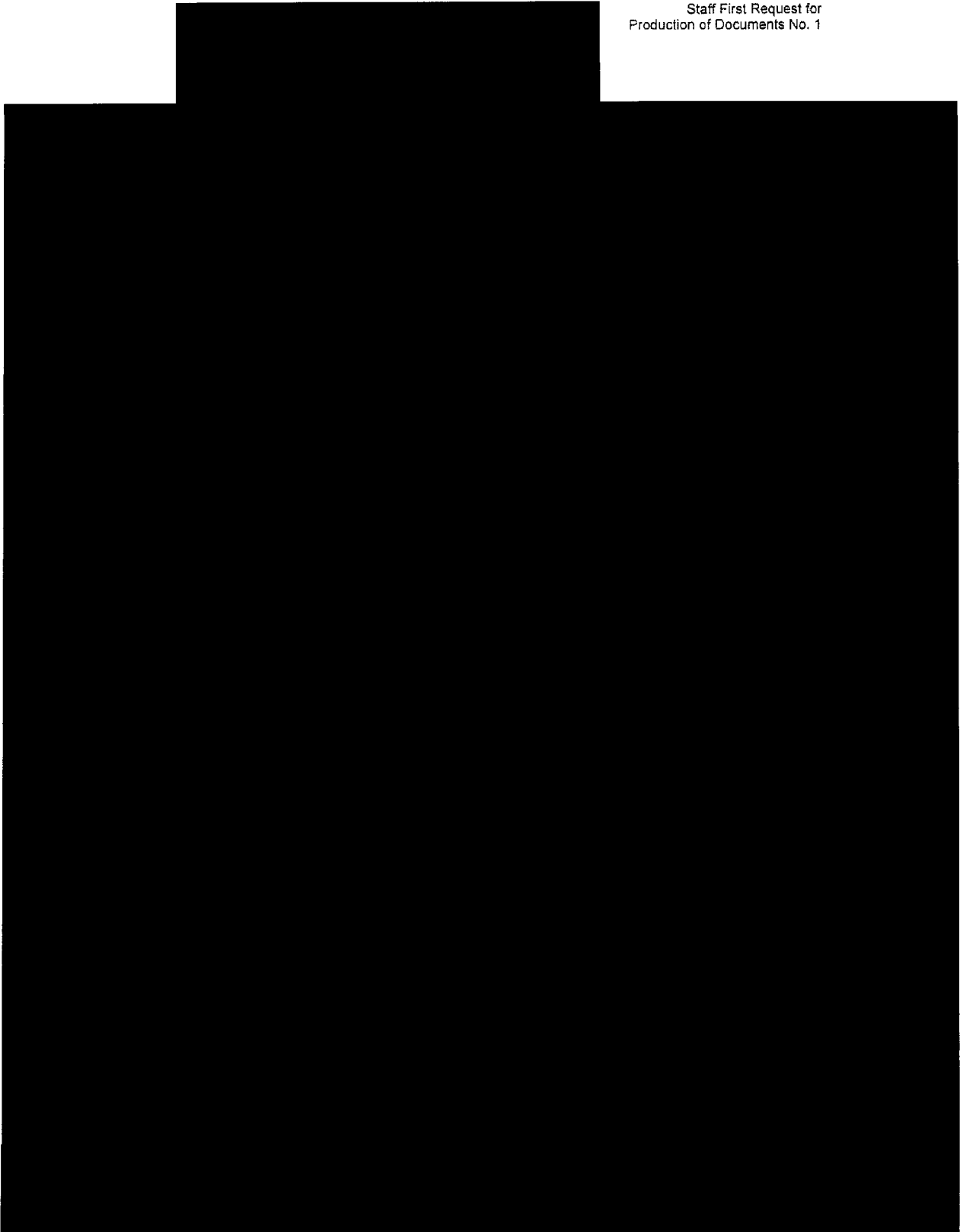




**SUPERSEDED**  
State First Request for  
Production of Documents No. 1





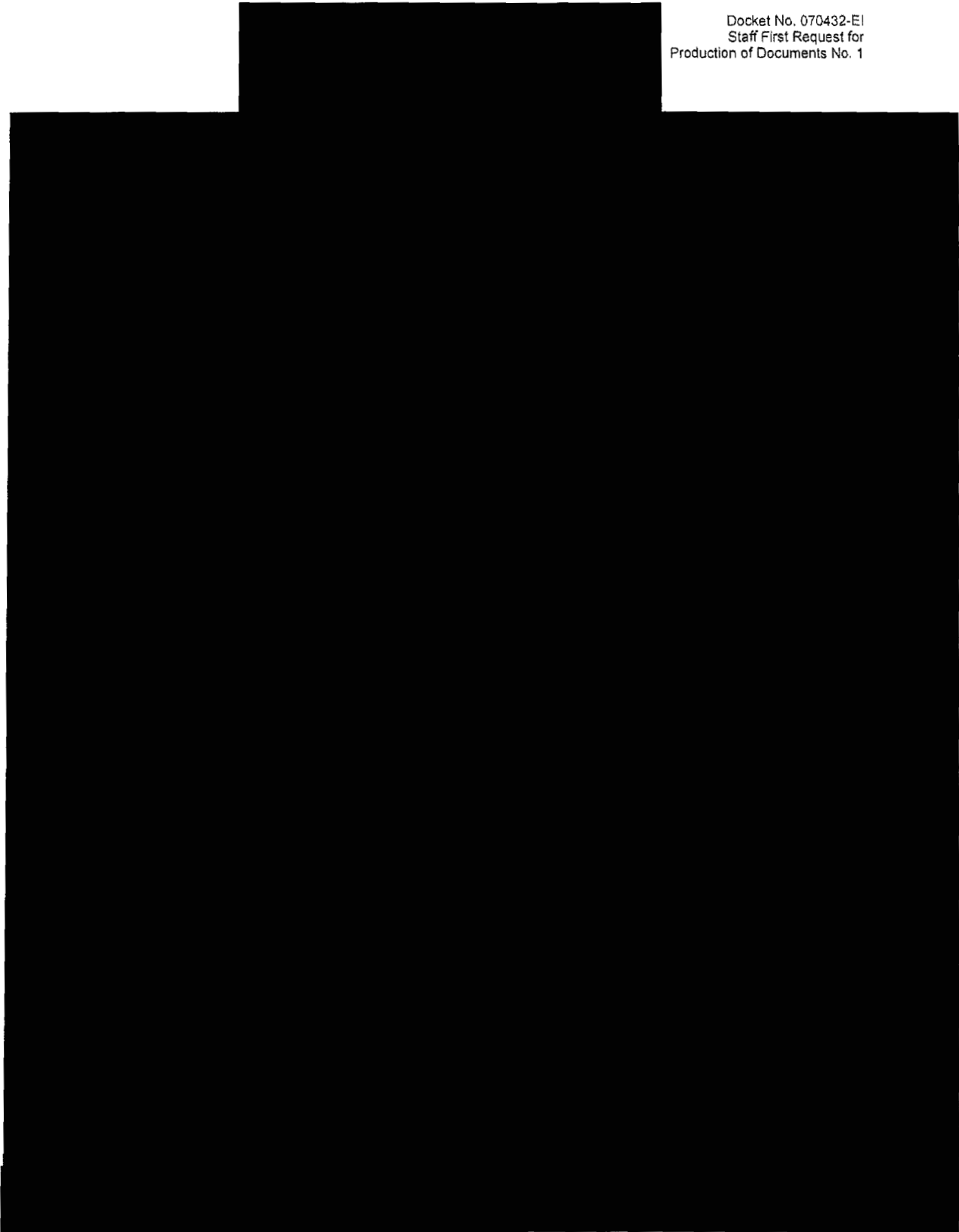


FPL 000019

FPL Glades Power Park

CONFIDENTIAL

Docket No. 070432-EI  
Staff First Request for  
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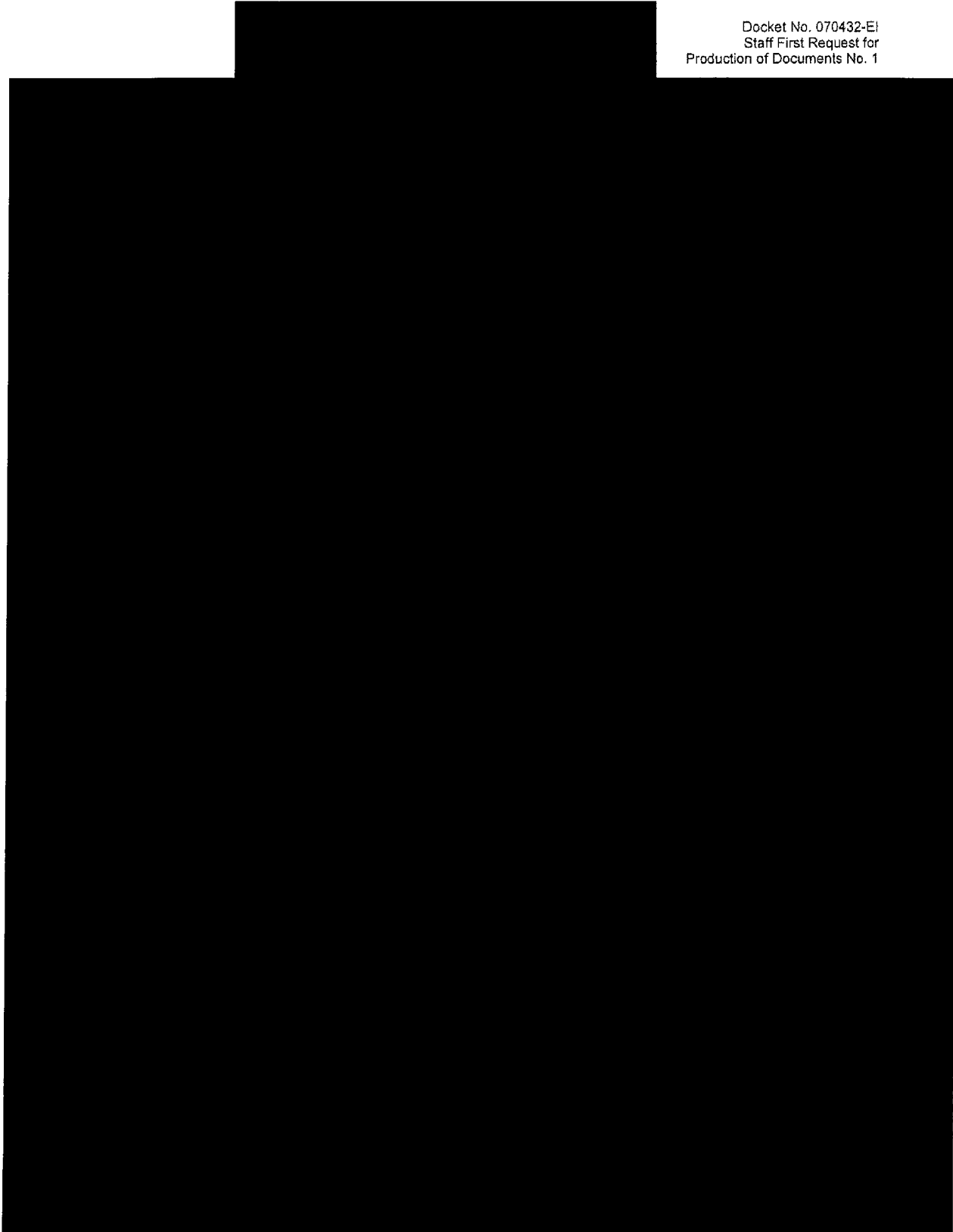


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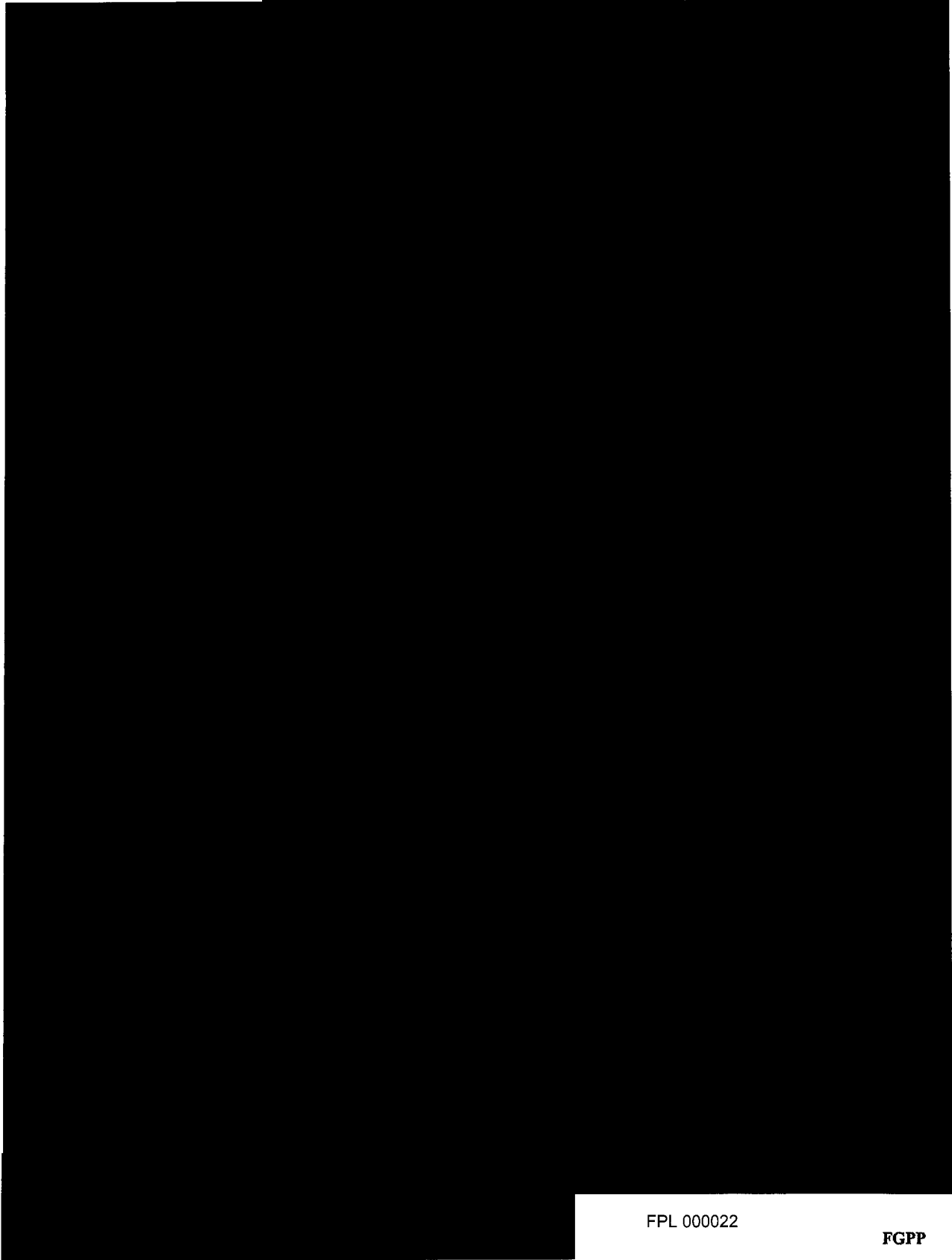
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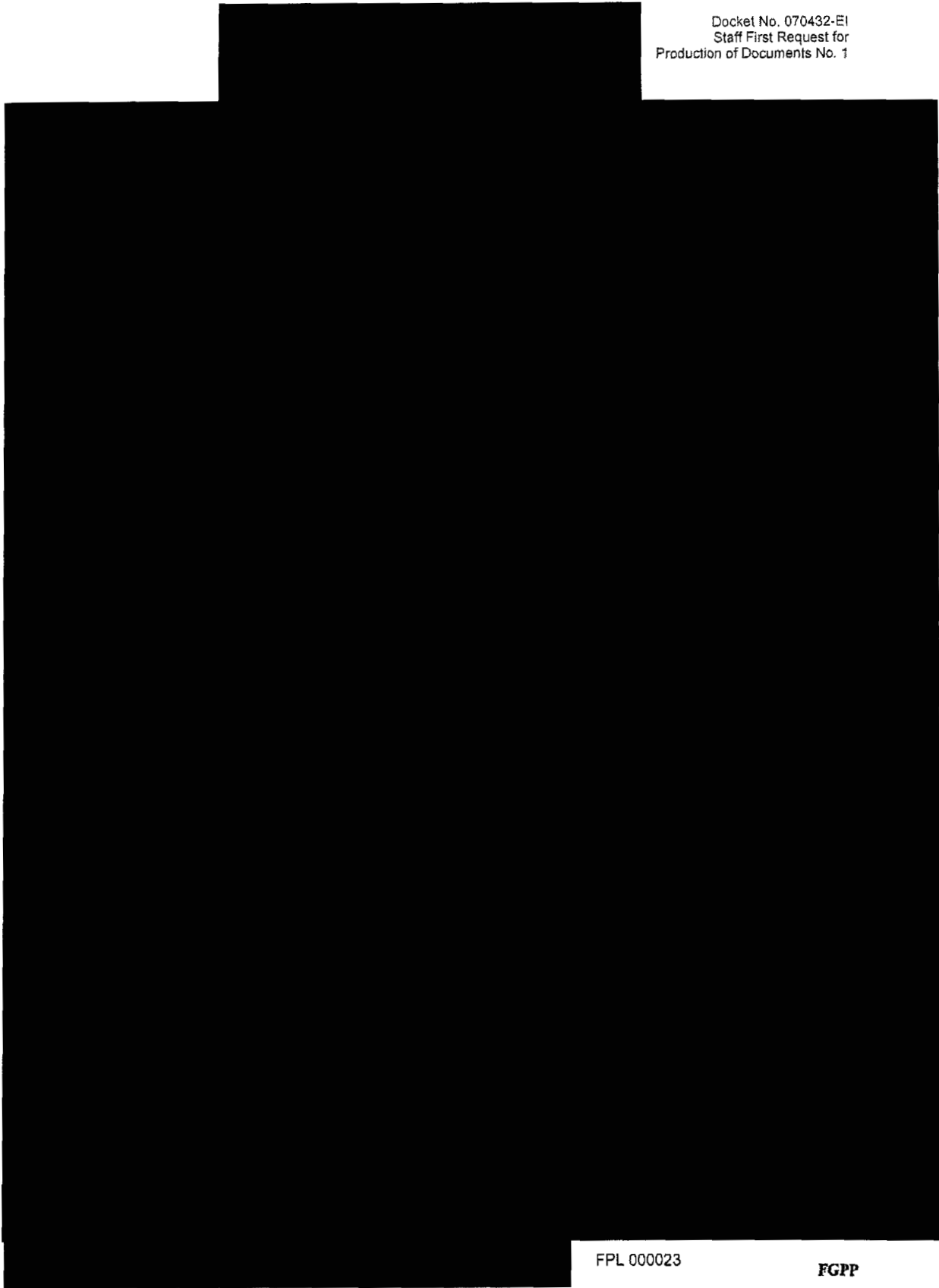
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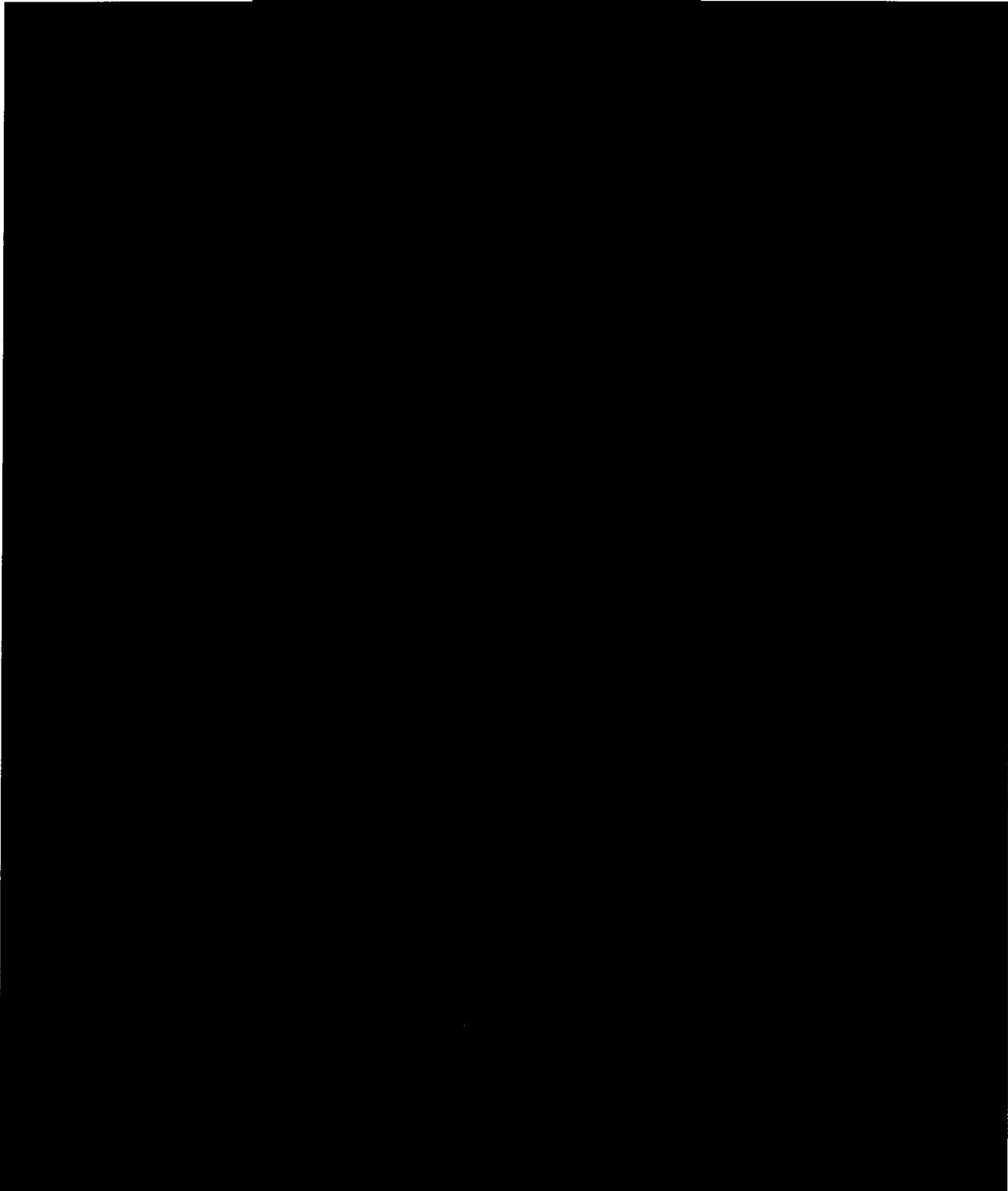


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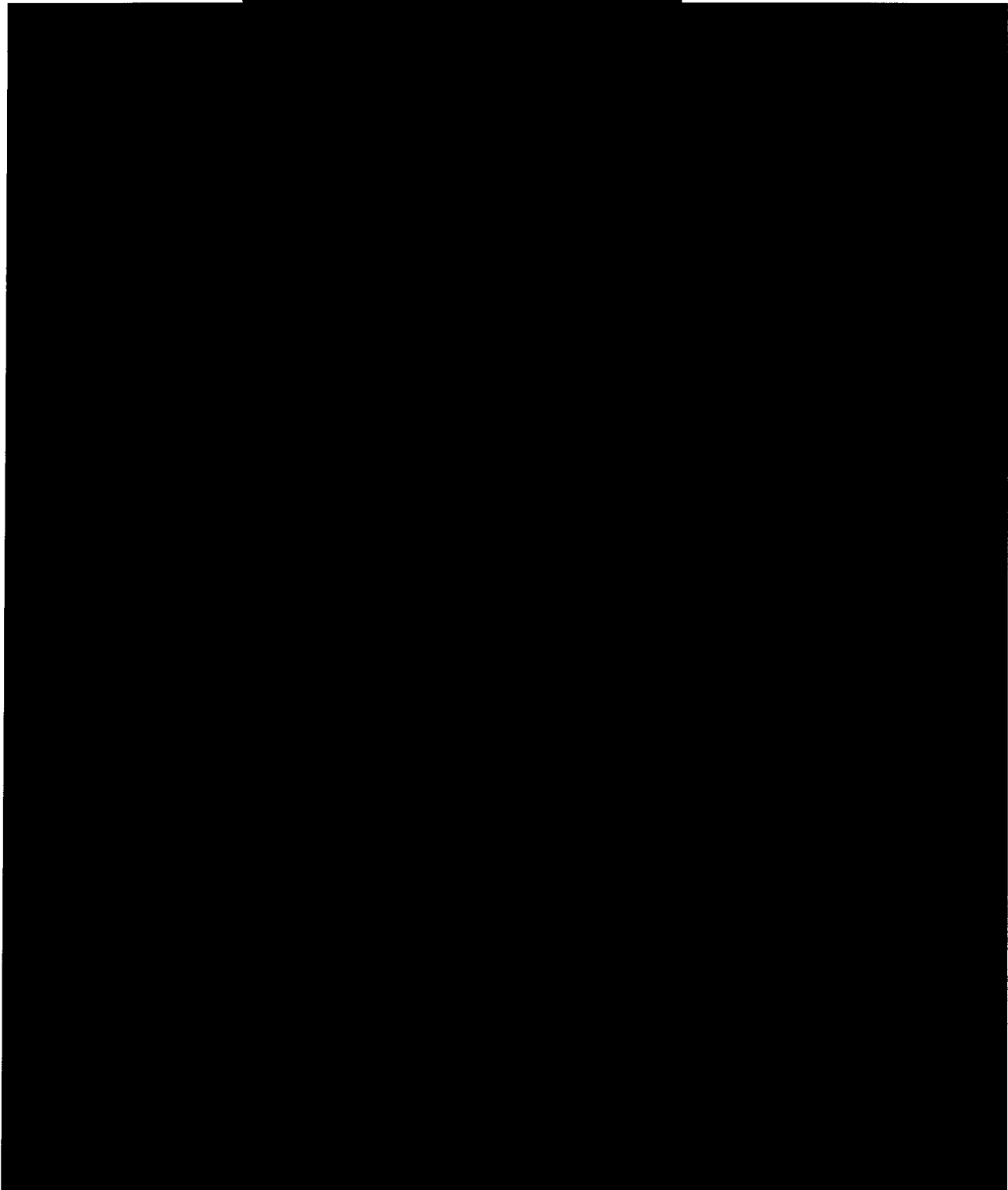


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**FGPP**

**CONFIDENTIAL**

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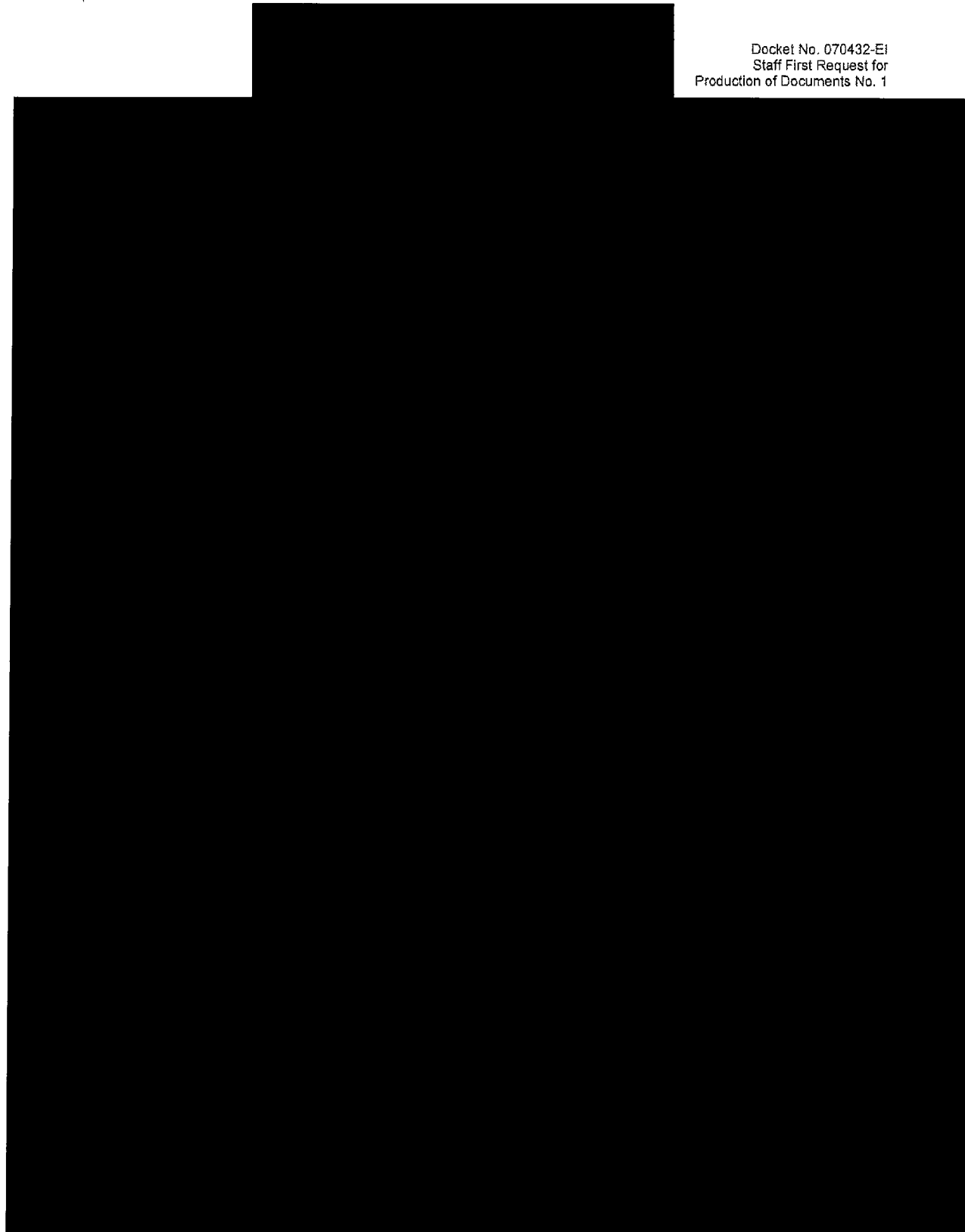


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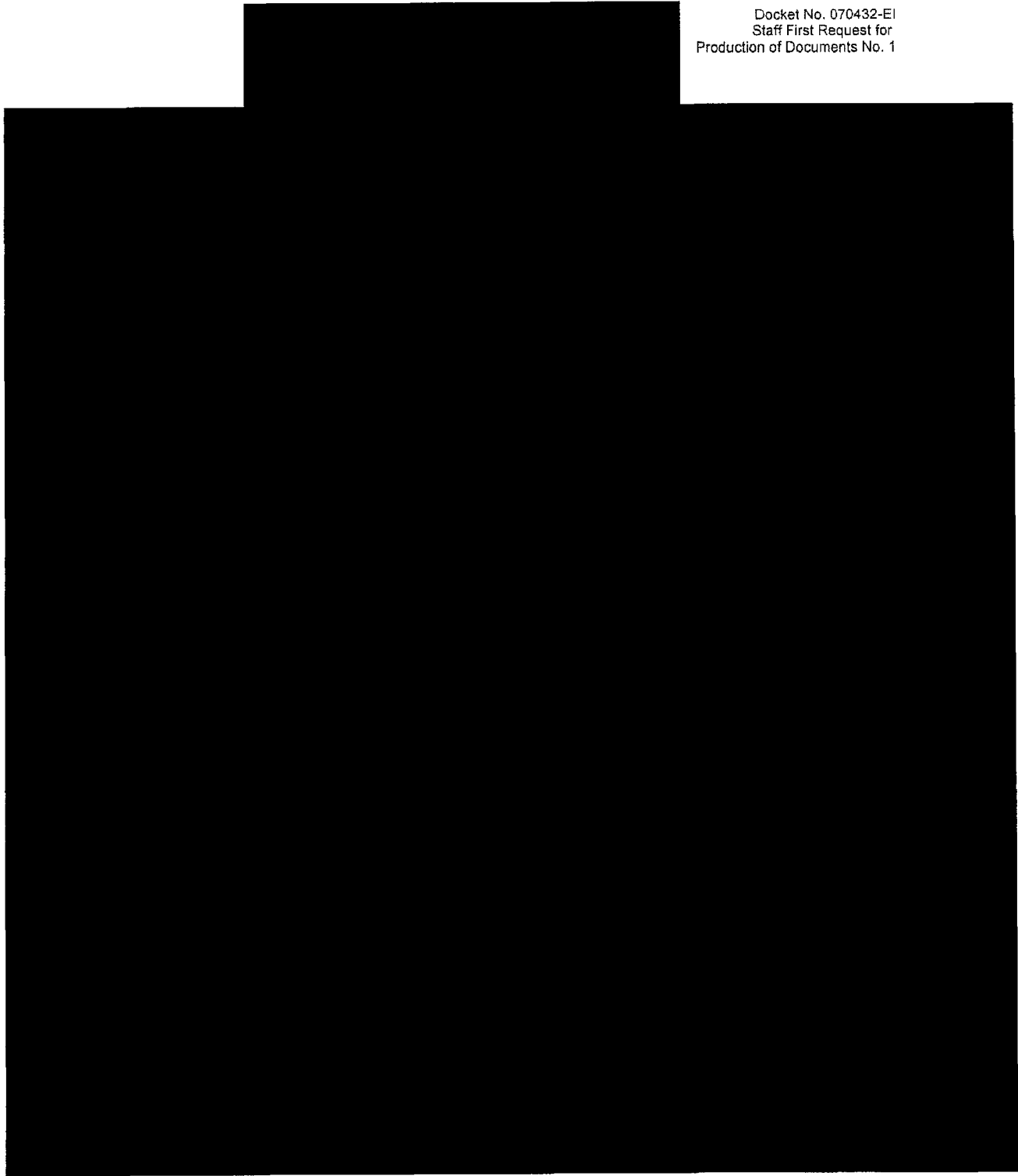
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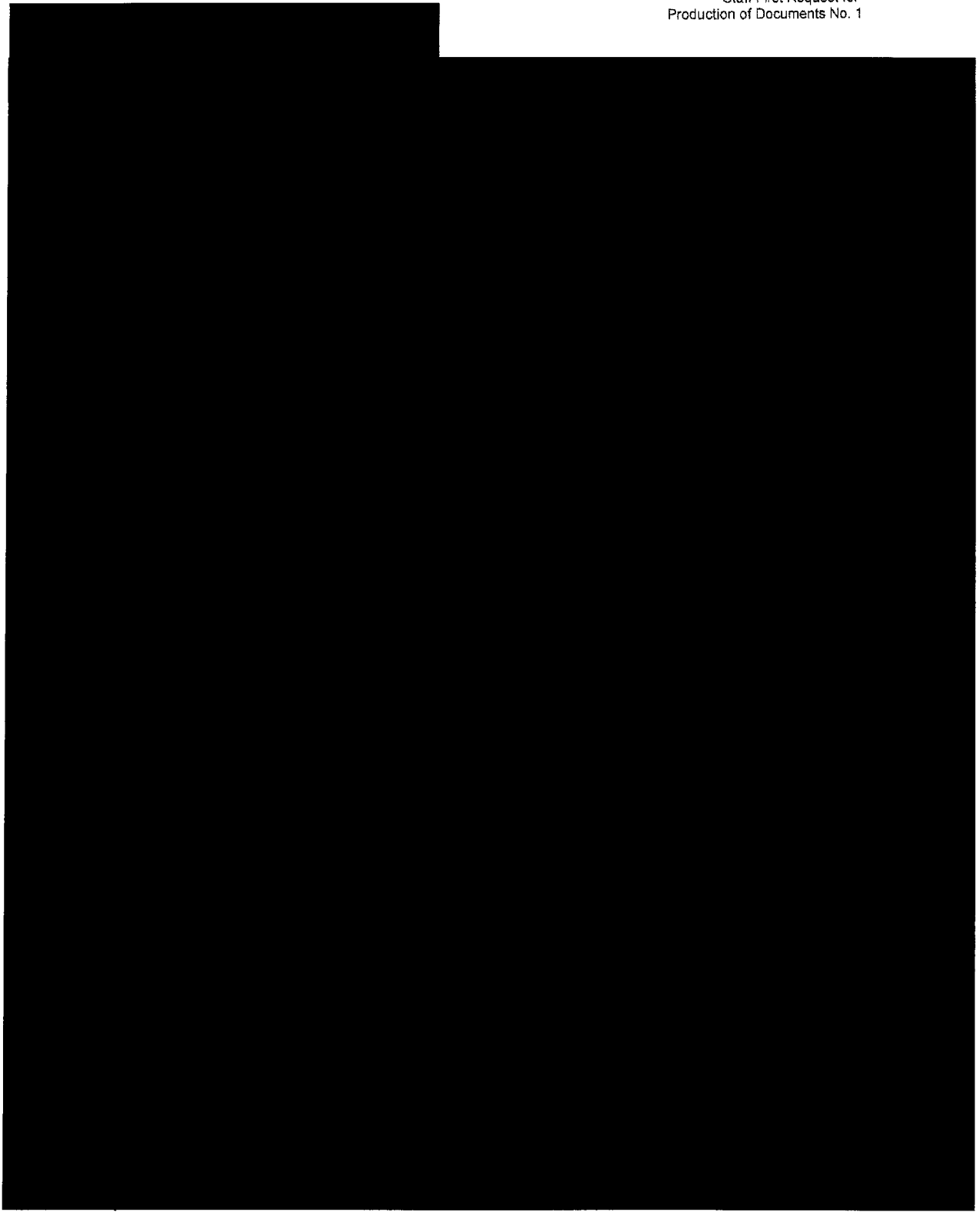


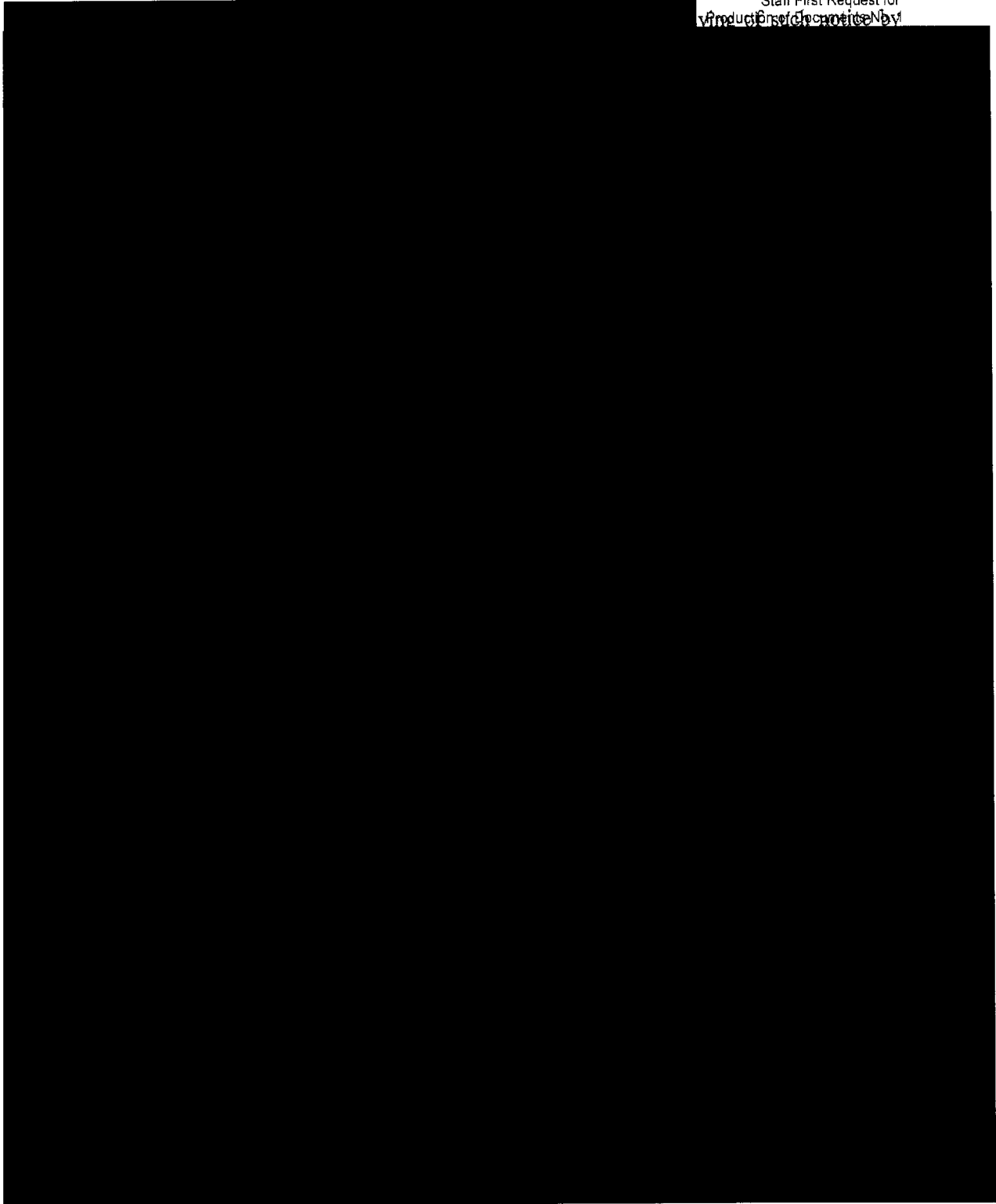
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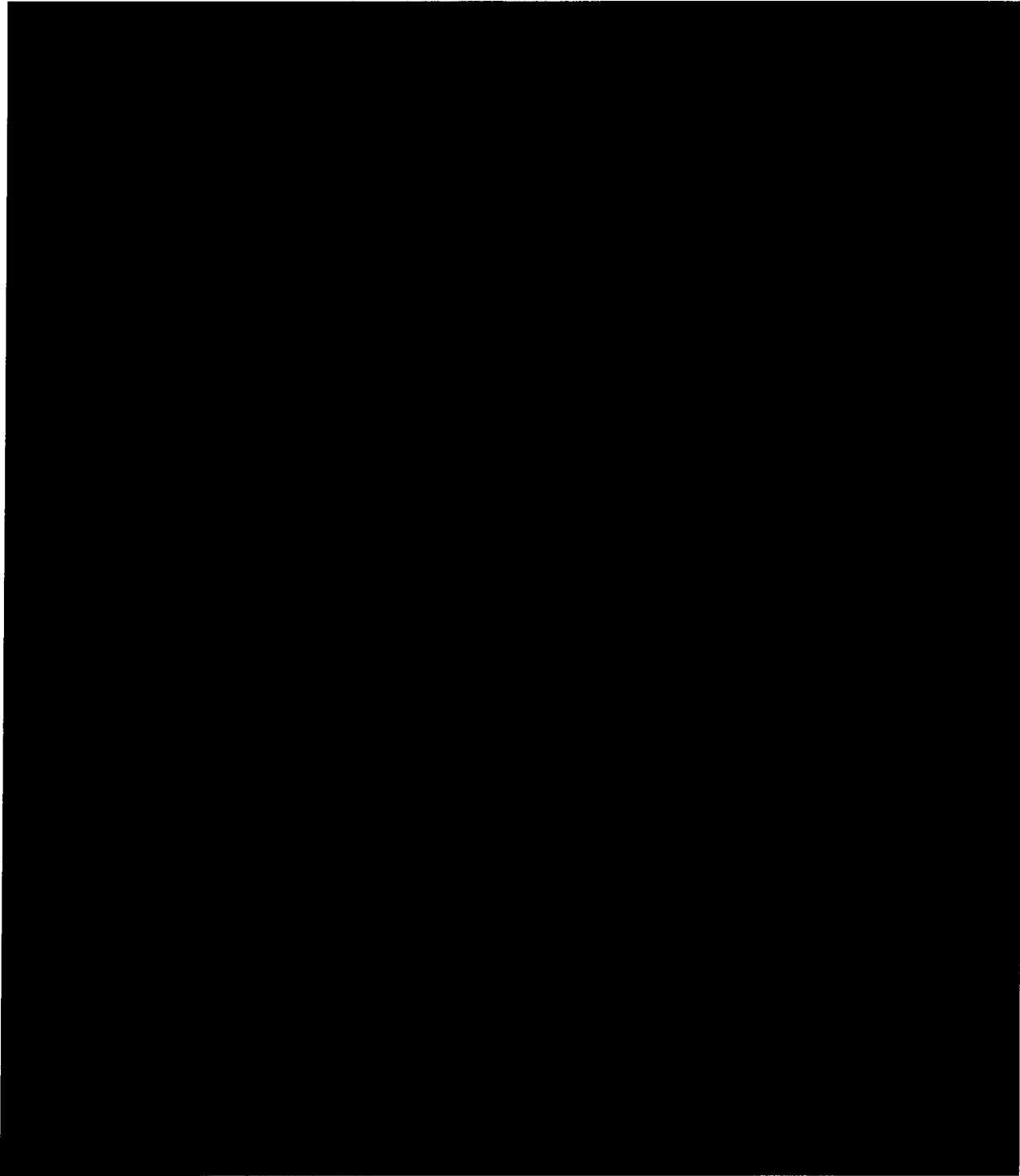


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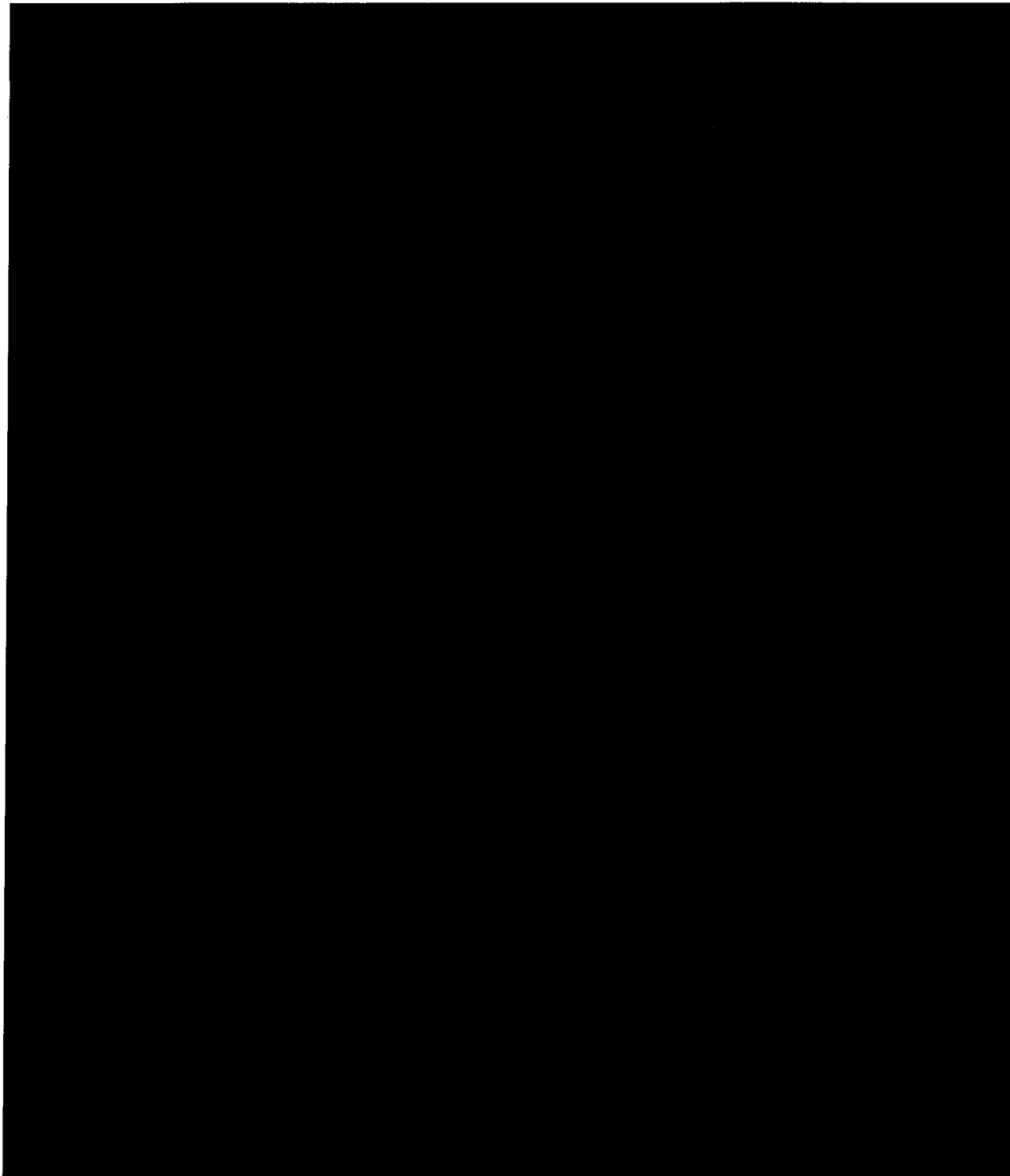






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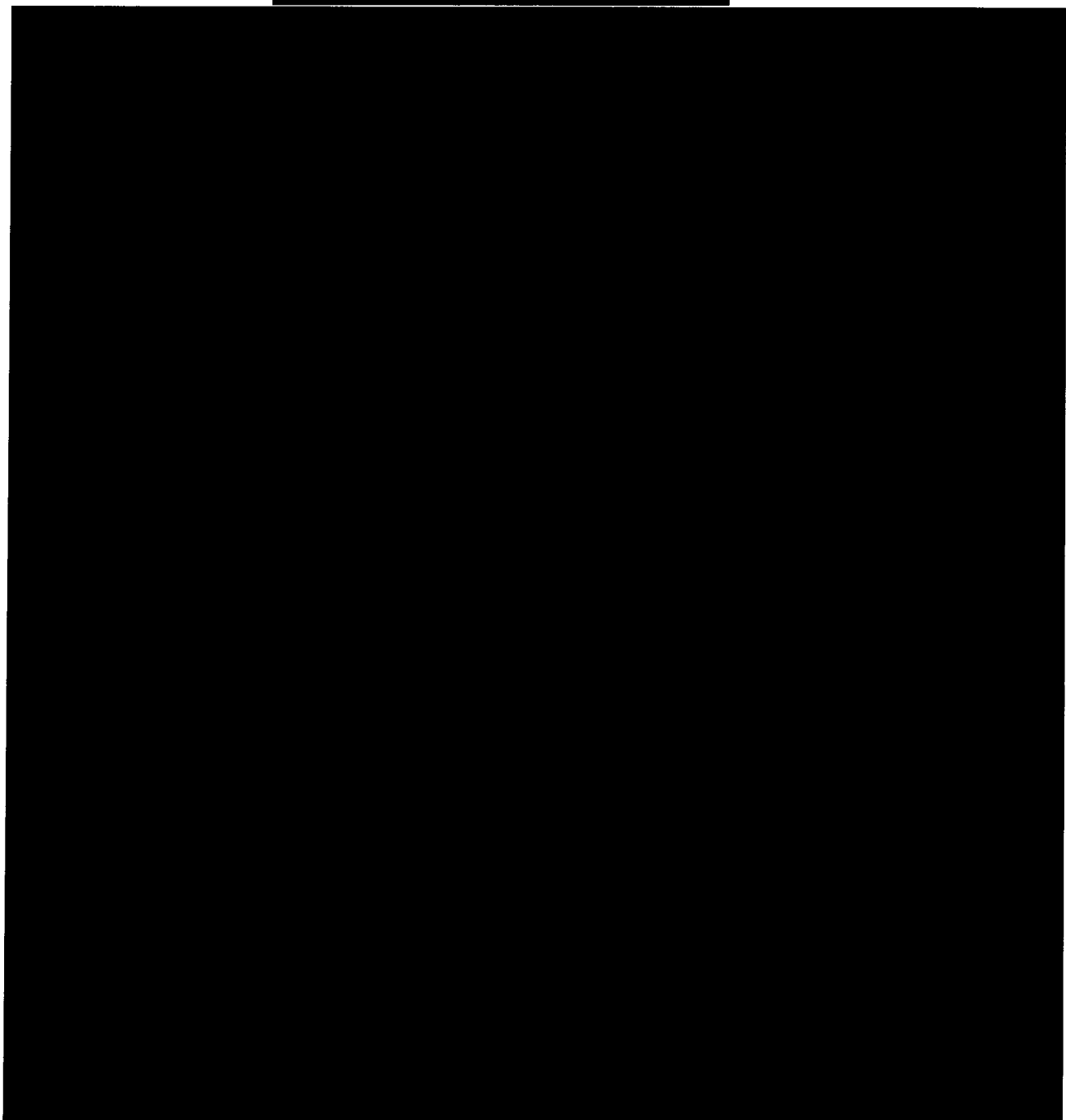


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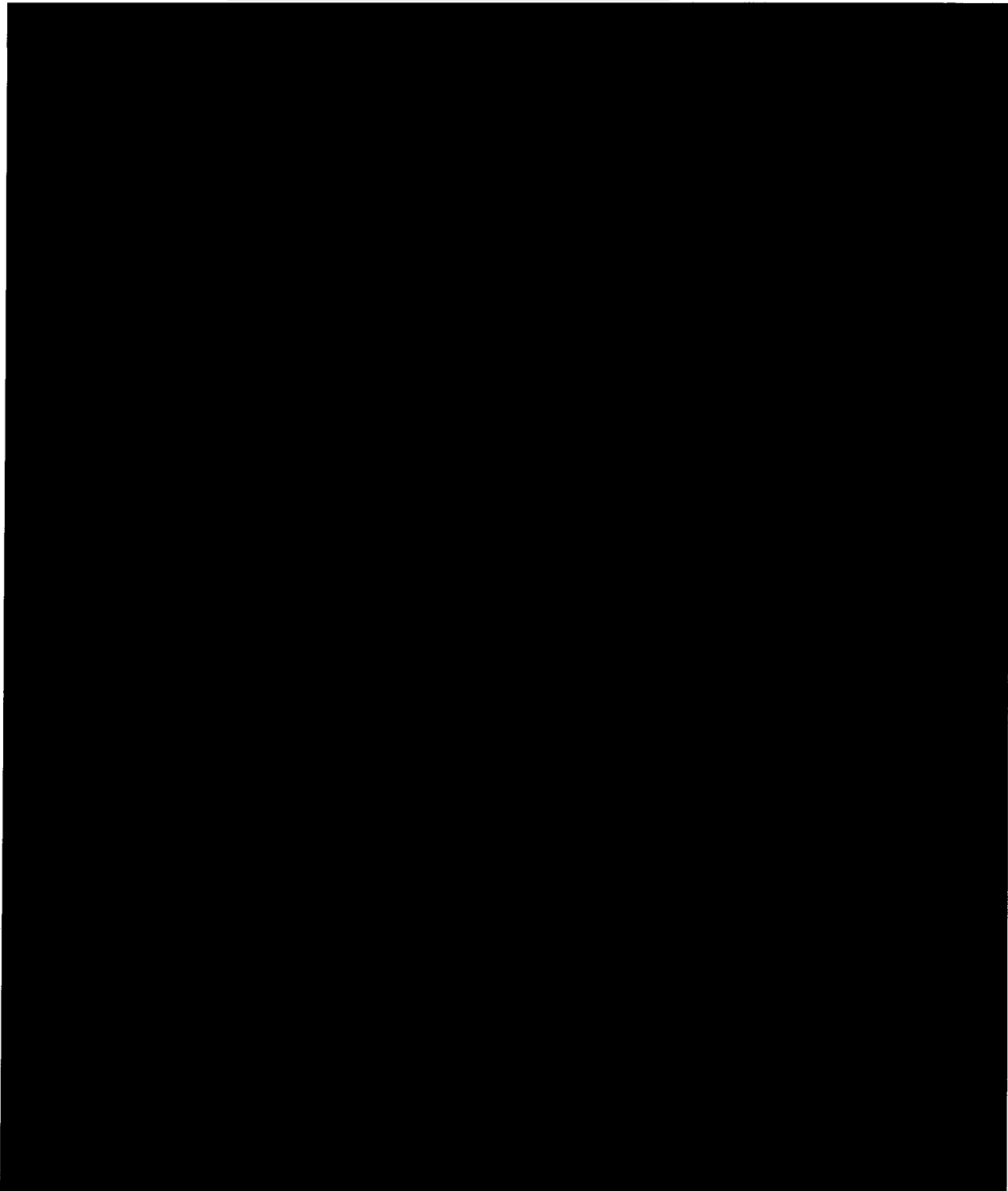
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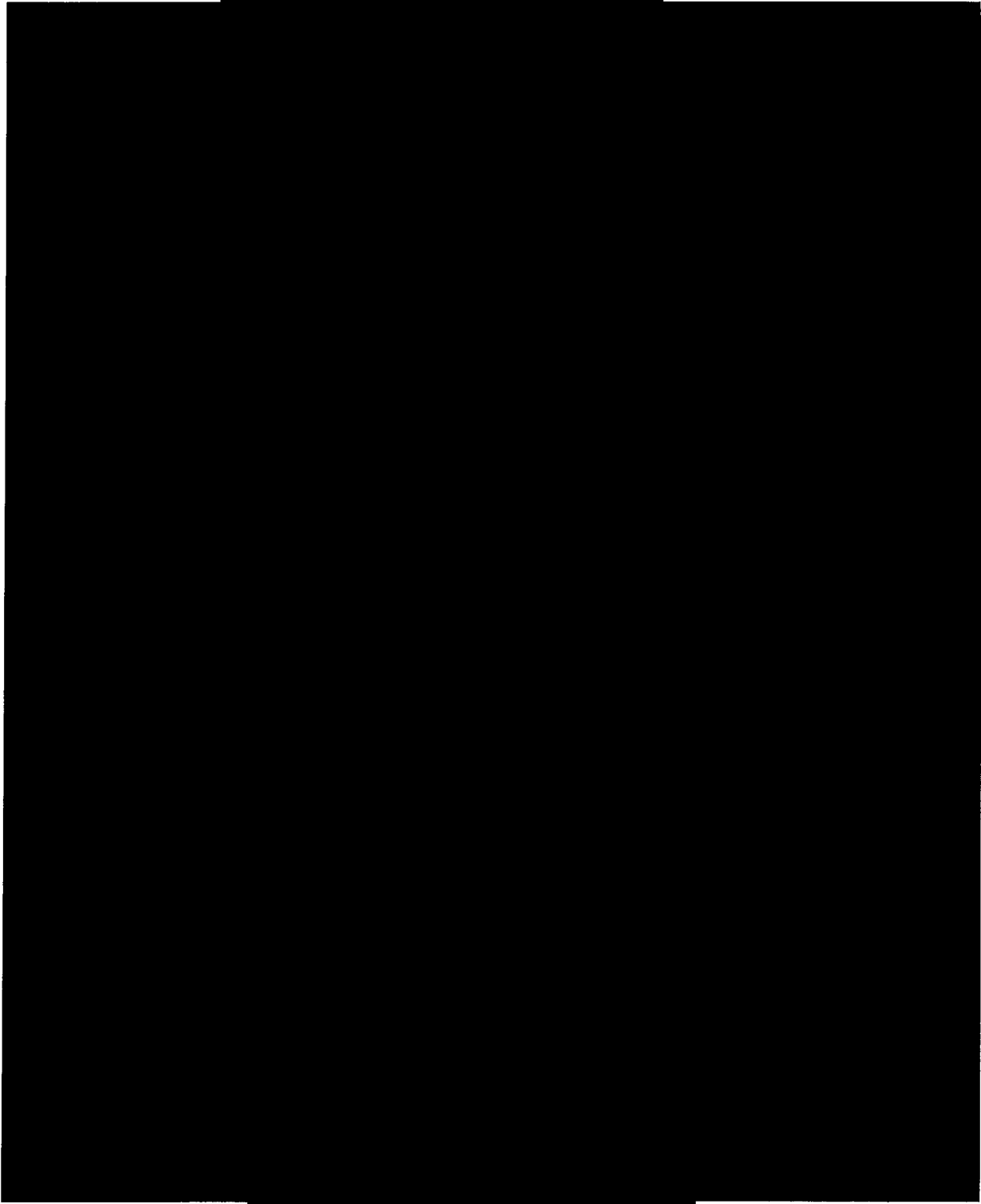
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FPL 000033

CONFIDENTIAL

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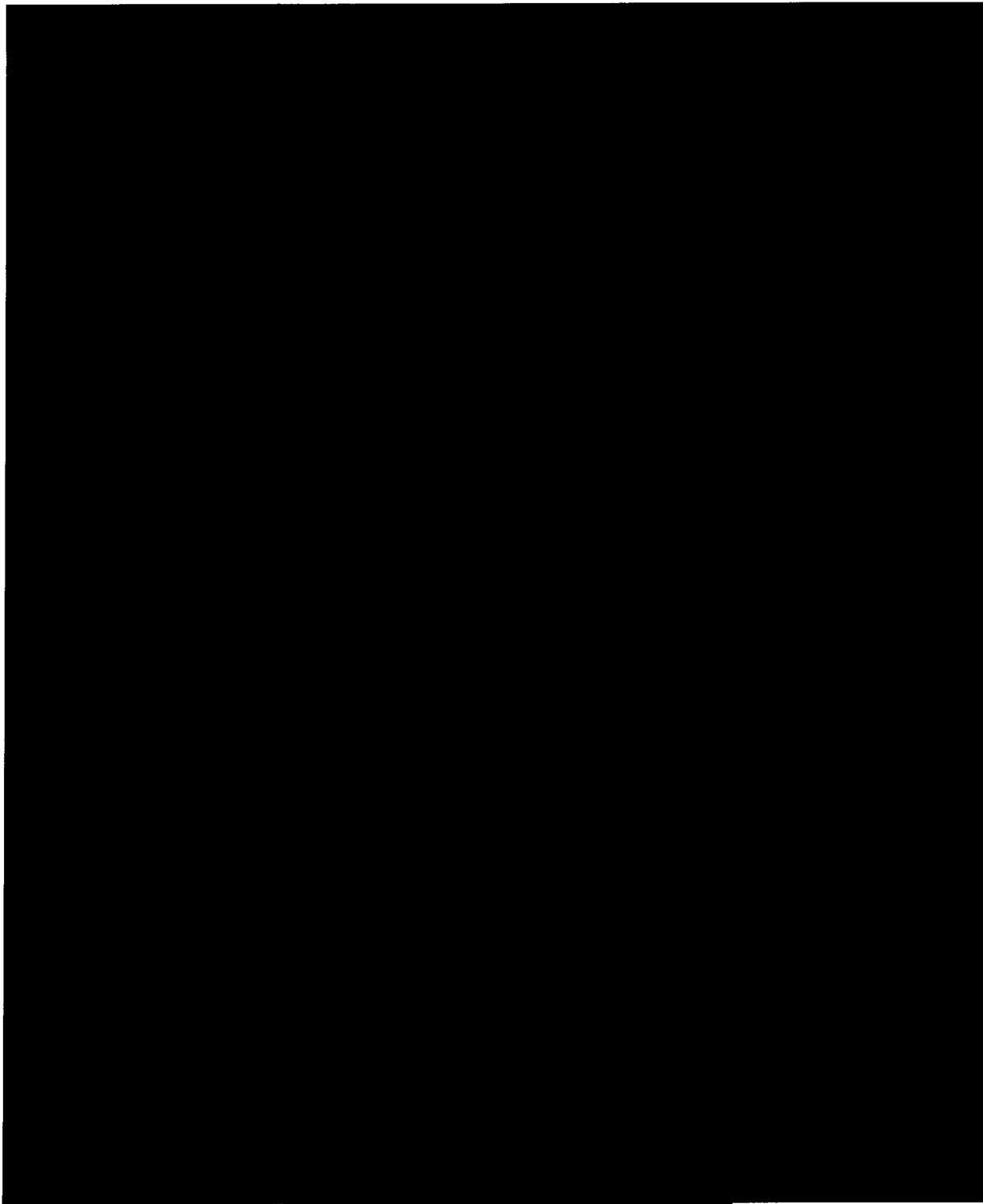


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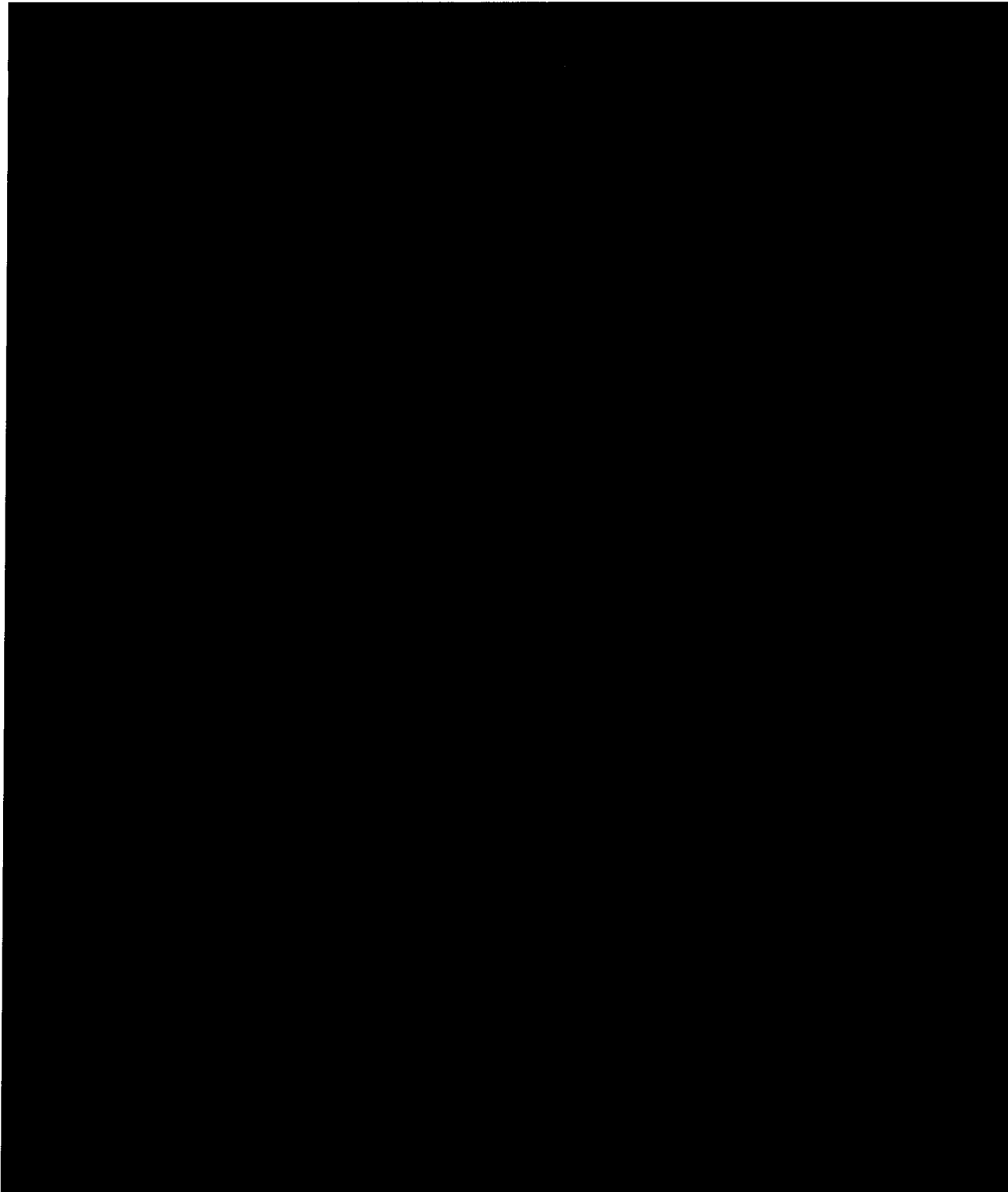


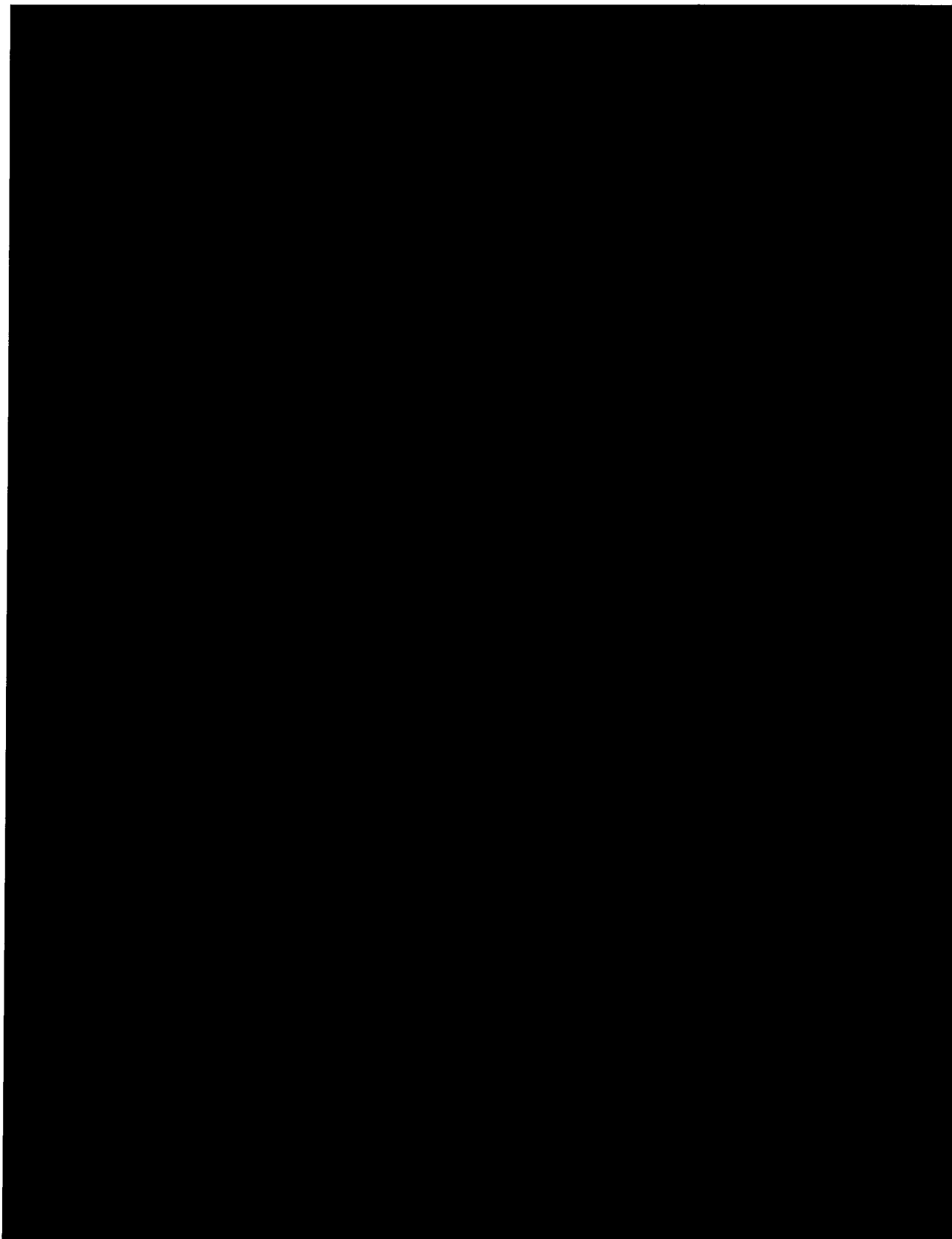
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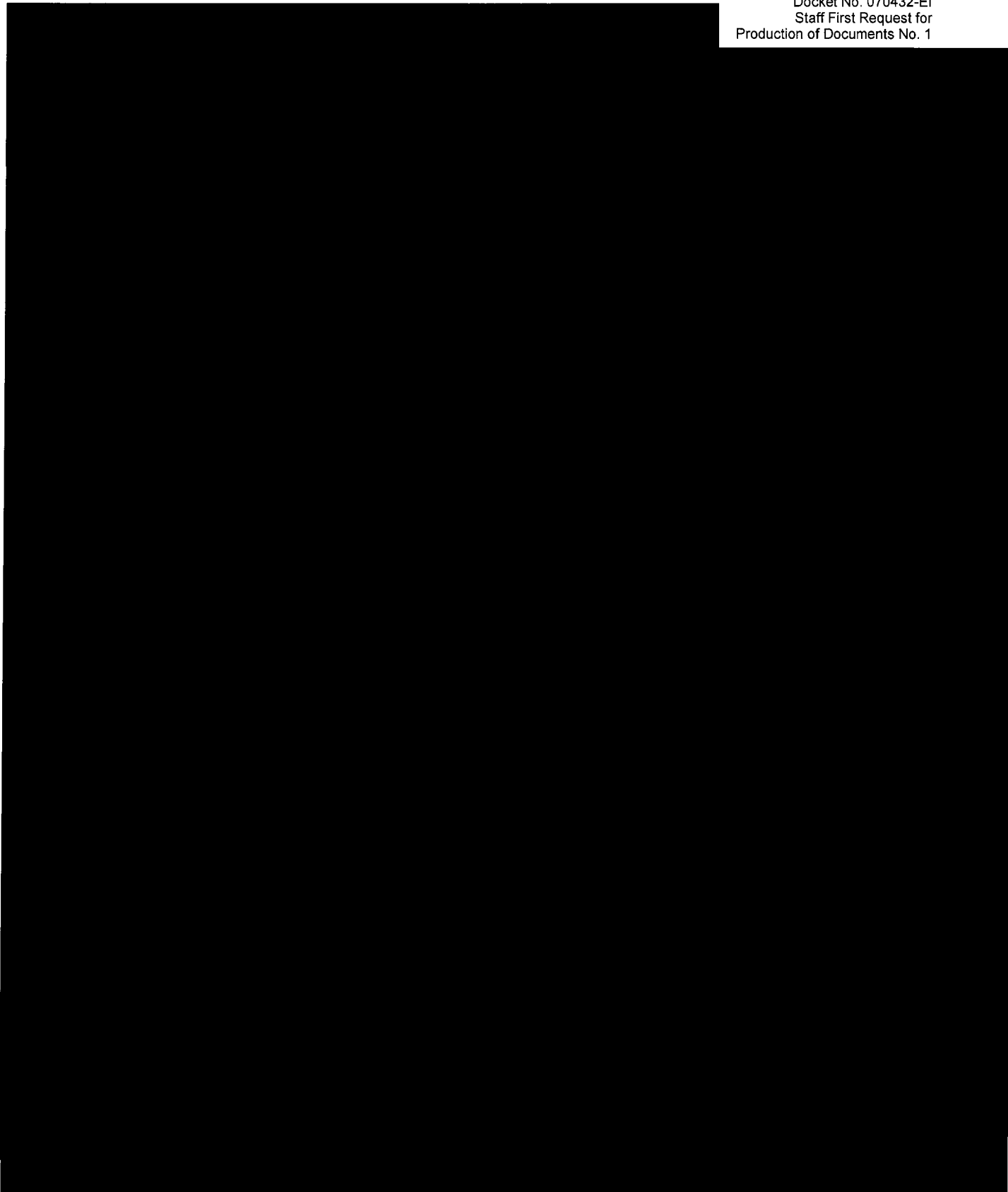


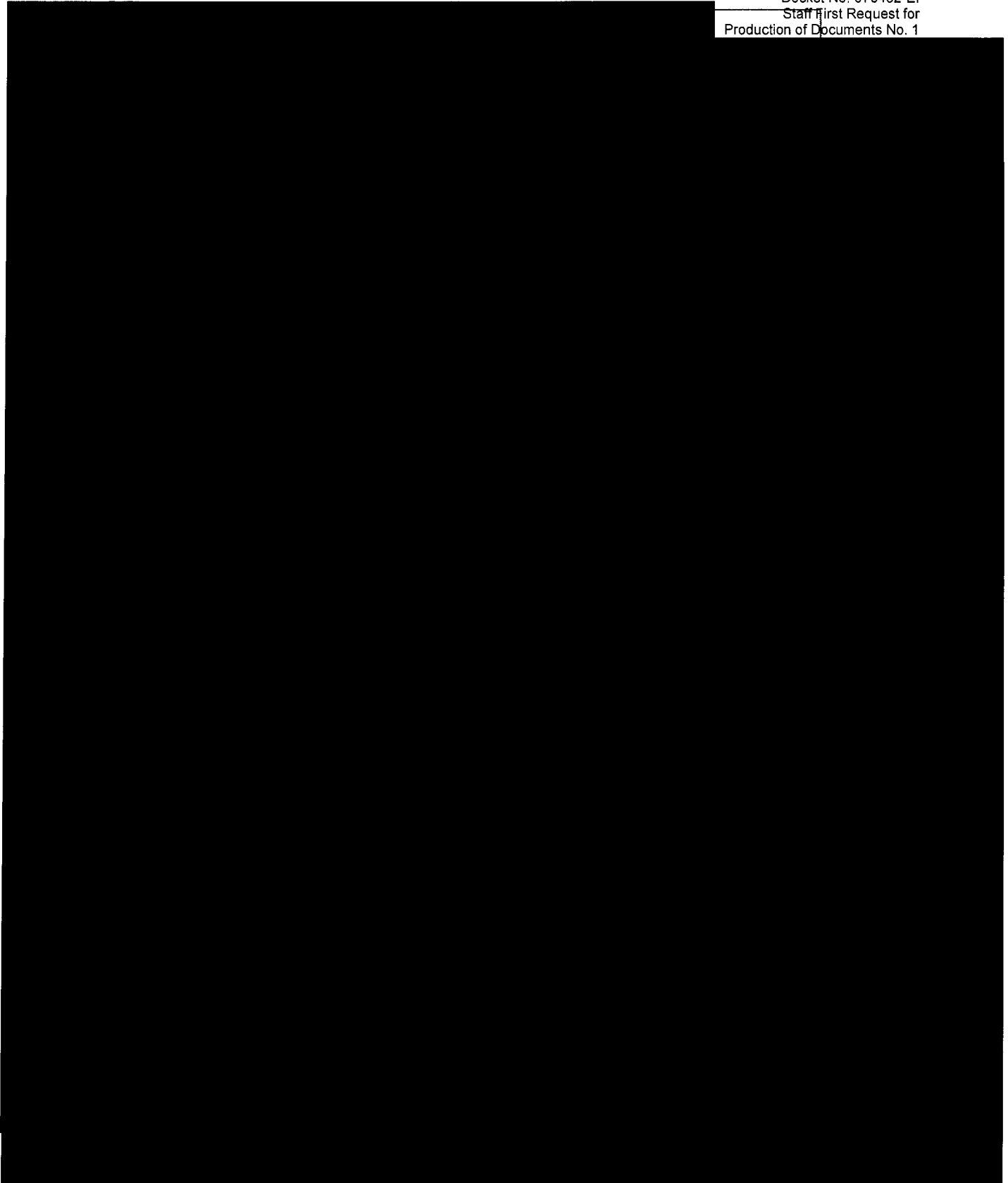
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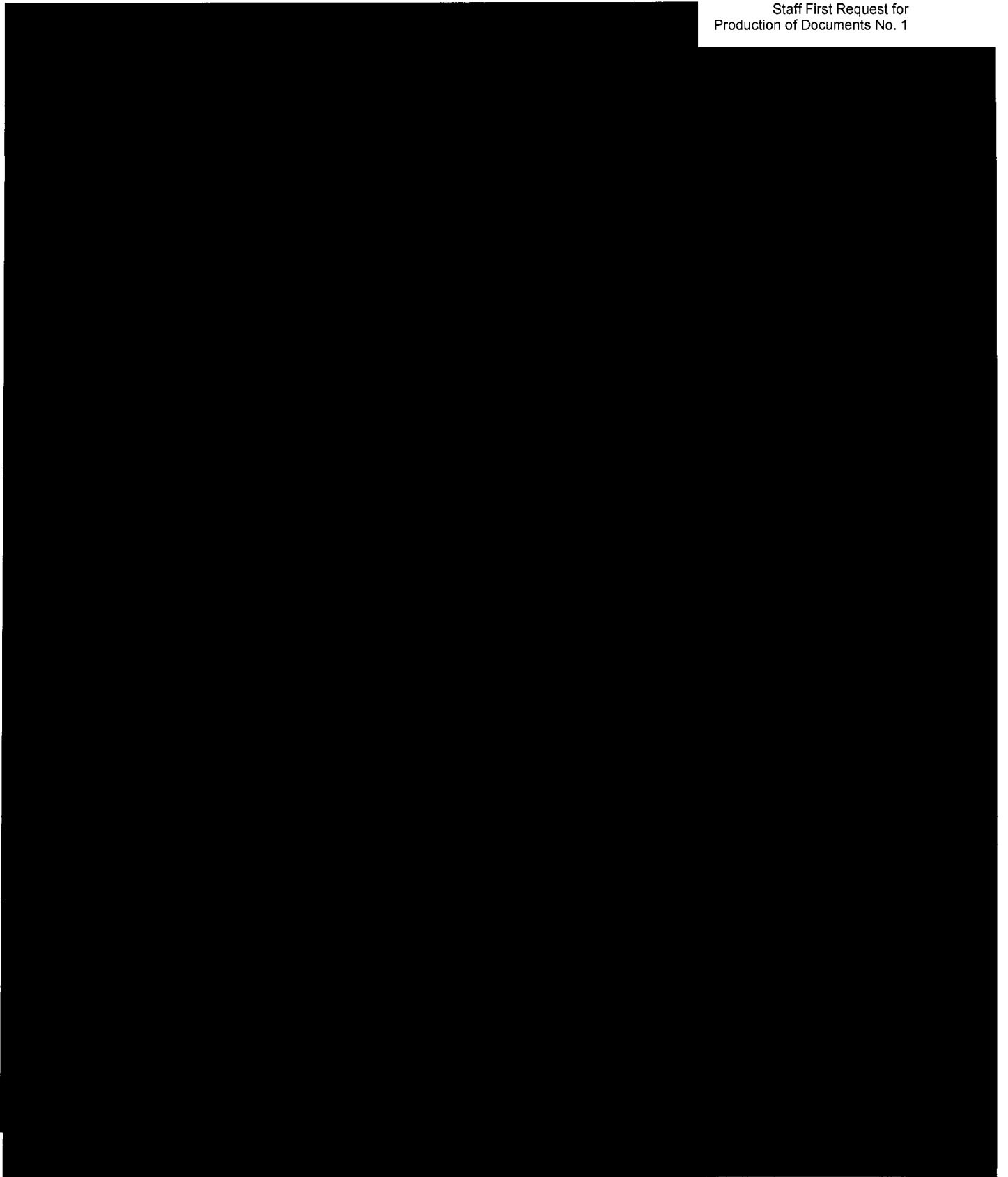
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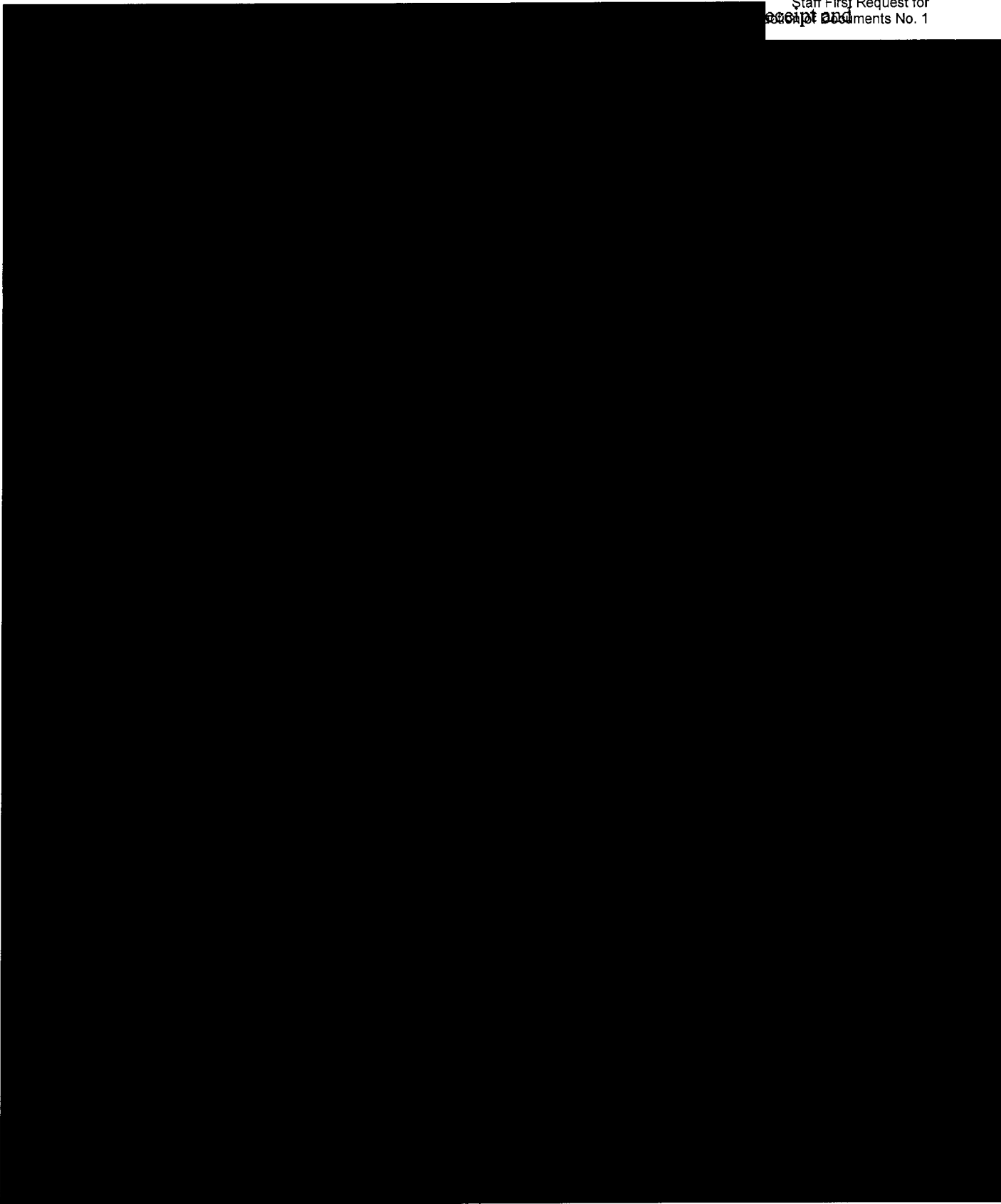


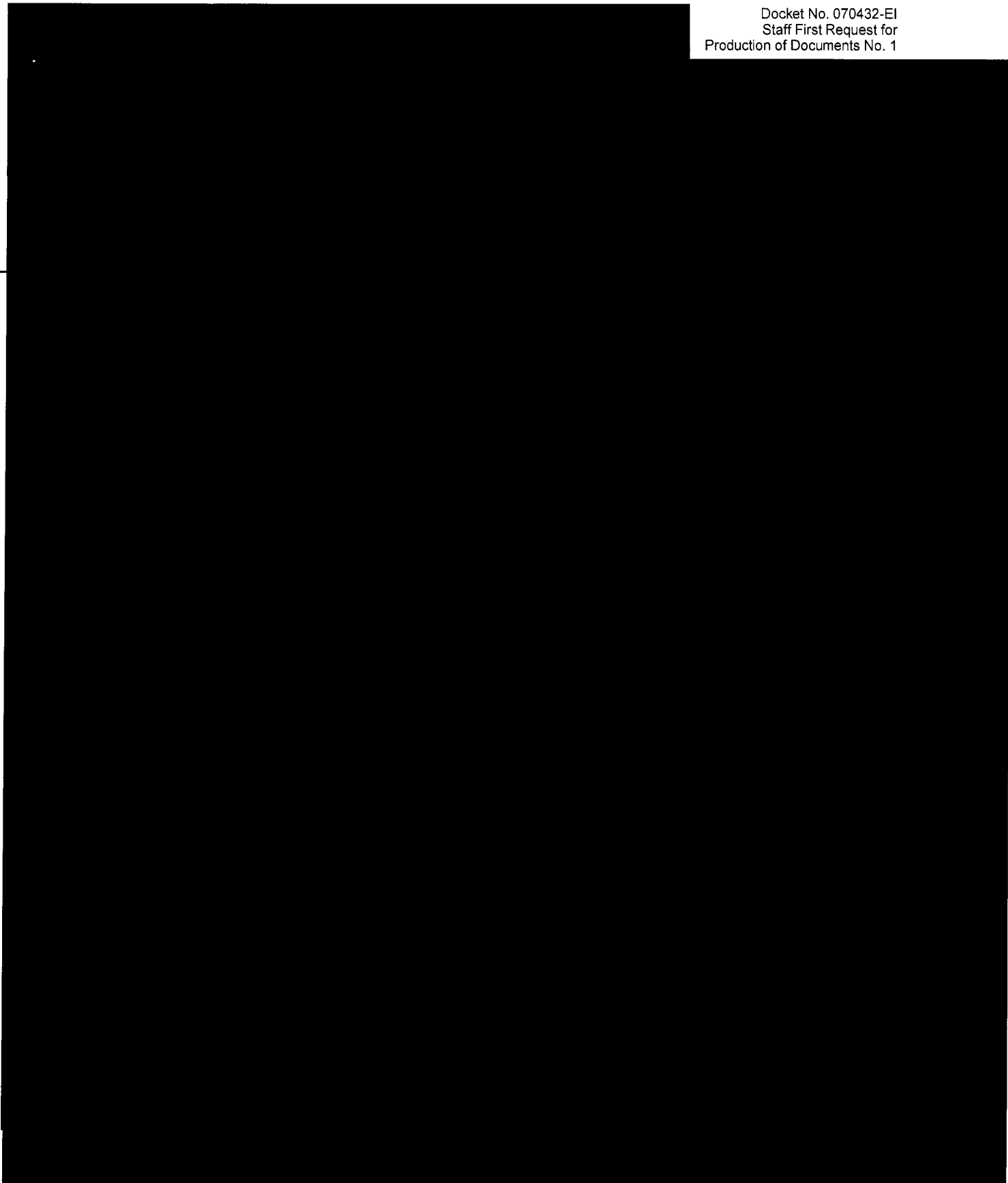














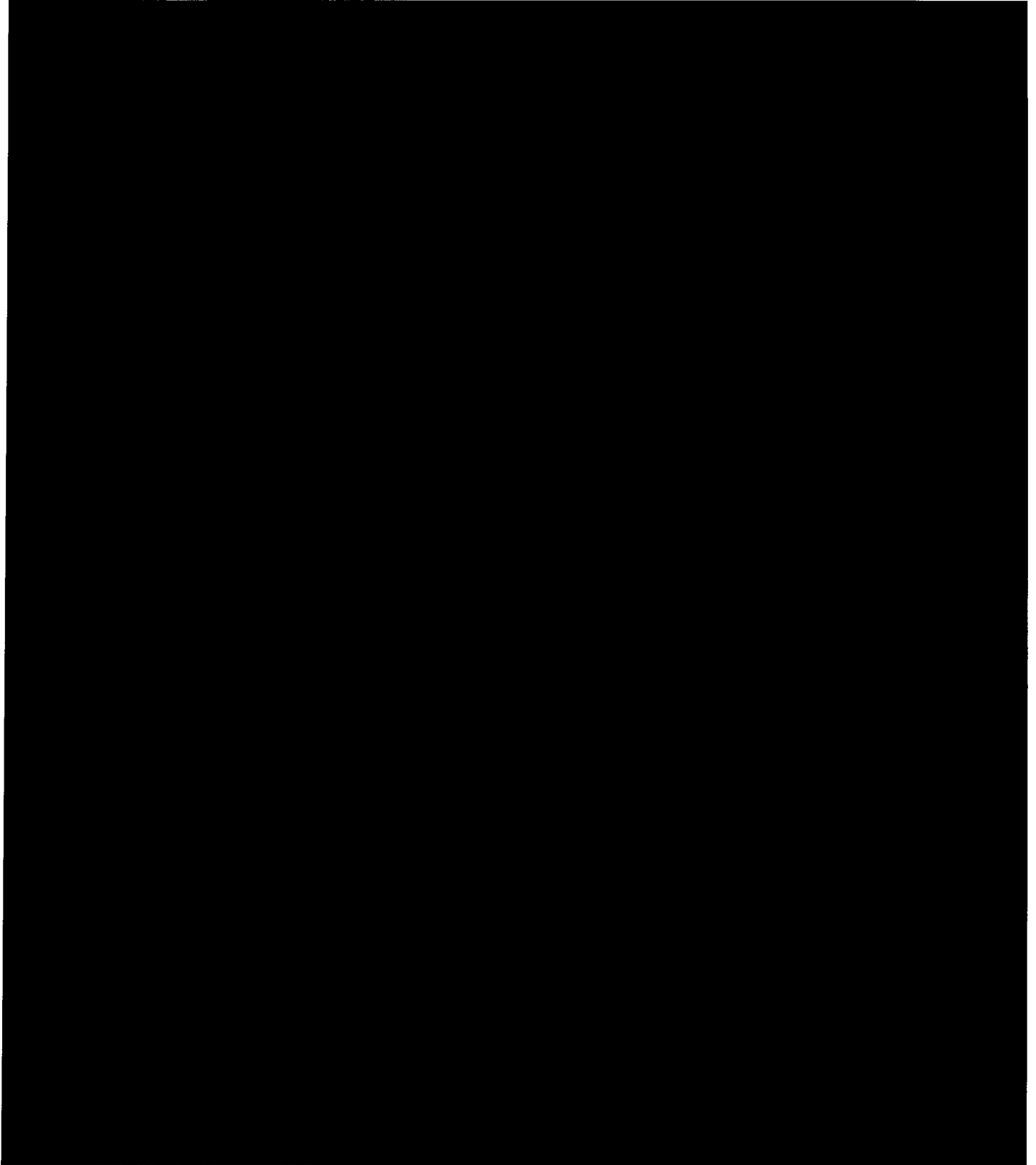


Florida Power & Light Company, 700 Universe Blvd, Juno Beach, FL 33408-0420

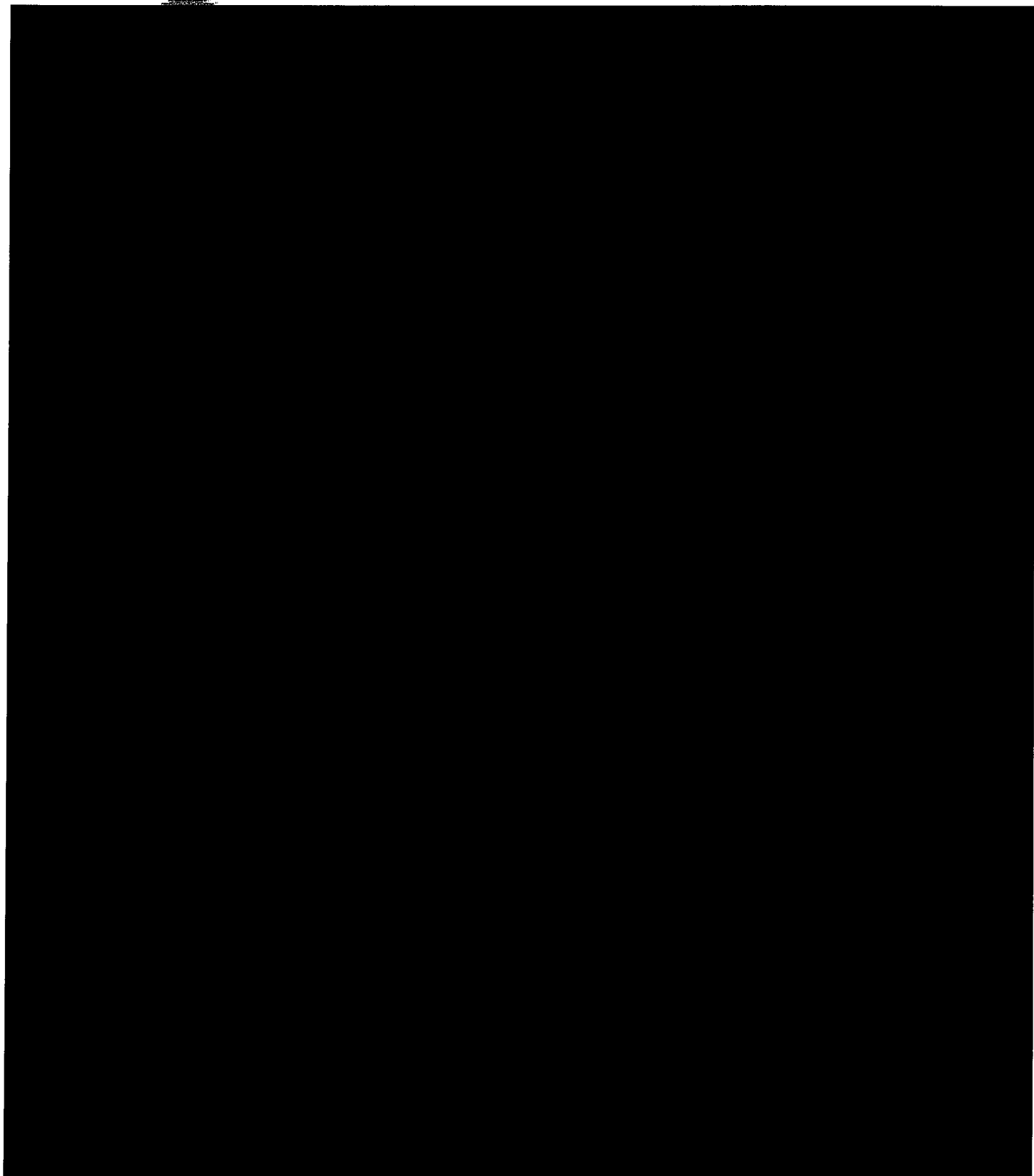
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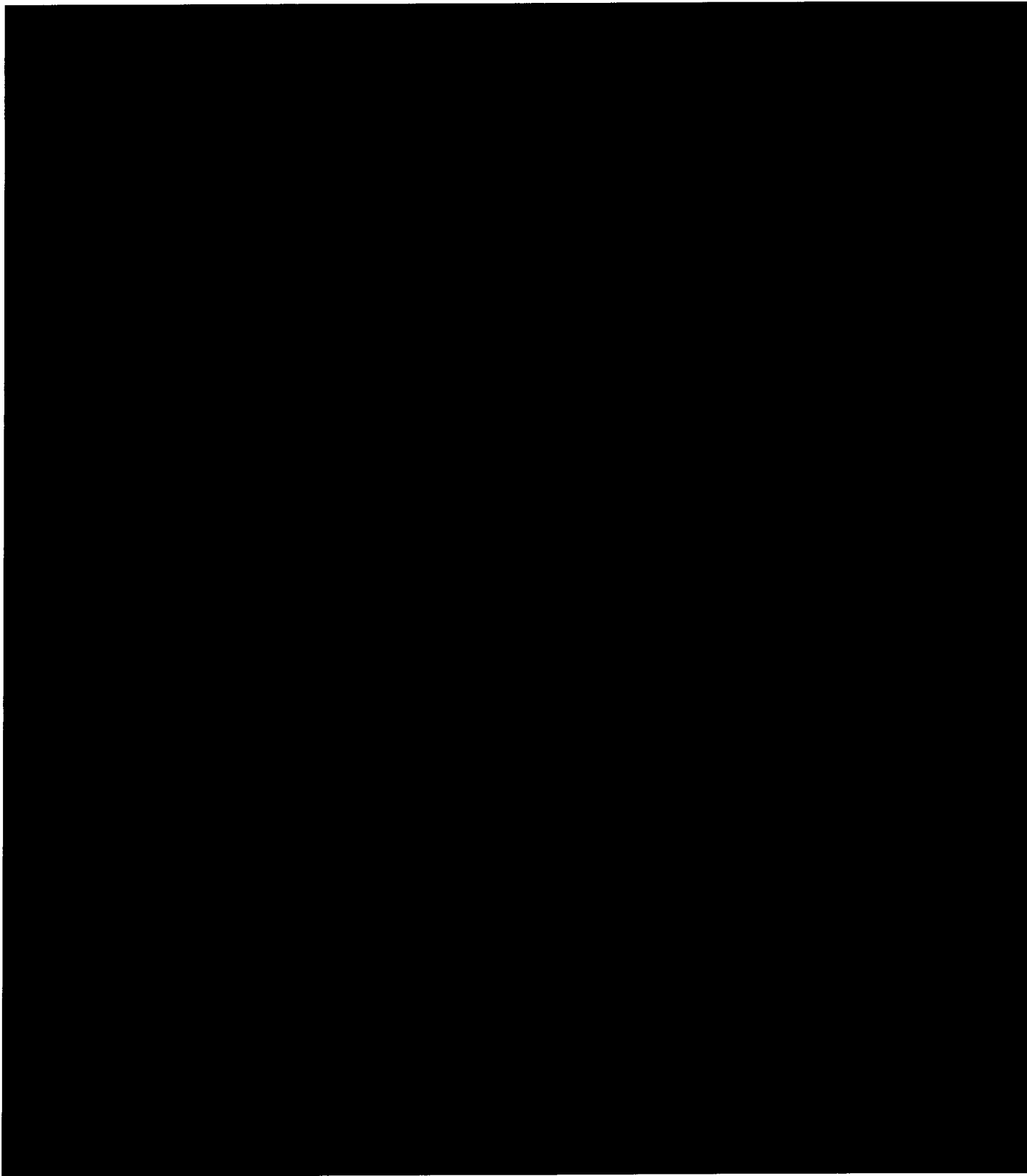
Staff First Request for

Production of Documents No. 1



FPL 000043





# EXHIBIT C

**EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Documents, Staff First Request for  
Production of Documents, No. 1  
**DOCKET NO.** 070432-EI

<b>Description</b>	<b>No. of Pages</b>	<b>Conf. Y/N</b>	<b>Line No./Col. No.</b>	<b>Florida Statute 366.093(3) Subsection</b>	<b>Affiant</b>
FPL and Glades Power Partners Unit 1	5	Y	ALL	(d), (e)	Joseph Daley, Thomas Atlee
FPL and Glades Power Partners Unit 2	5	Y	ALL	(d), (e)	Joseph Daley, Thomas Atlee
FPL and Siemens Power Generation	7	Y	ALL	(d), (e)	Joseph Daley, Antonio Dovale Jr.
Toshiba International Corporation	28	Y	ALL	(d), (e)	Joseph Daley, Margaret McKay

# EXHIBIT D

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

STATE OF PENNSYLVANIA )
)
ALLEGHENY COUNTY )

AFFIDAVIT OF ANTONIO DOVALE, JR.

BEFORE ME, the undersigned authority, personally appeared Antonio DoVale, Jr. who, being first duly sworn, deposes and says:

1. My name is Antonio DoVale, Jr. I am currently employed by Siemens Power Generation, Inc. (Siemens) as President. My business address is 441 Smithfield Street, Pittsburgh, PA 15222. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents for which I am listed as affiant and which are included in Exhibit A to FPL's Request for Confidential Classification. Documents or materials that I have reviewed, and which are asserted by FPL to be proprietary confidential business information, include vendor-specific contractual terms and competitively sensitive information, the disclosure of which could impair the competitive business of Siemens. To the best of my knowledge, Siemens has maintained the confidentiality of these documents and materials.

3. The information referred to in this affidavit should be maintained as confidential for a period of not less than eighteen (18) months. In addition, 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 maintain the confidentiality of these documents.

4. Affiant says nothing further.

Handwritten signature of Antonio DoVale, Jr. followed by a line and the text: PRESIDENT SIEMENS ENVIRONMENTAL SYSTEMS & SERVICES

SWORN TO AND SUBSCRIBED before me this 20 day of September 2007, by Antonio DoVale, Jr., who is personally known to me or who has produced (type of identification) as identification and who did take an oath.

Handwritten signature of Barbara A. Zeffiro followed by a line and the text: Notary Public, State of Pennsylvania

My Commission Expires:

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Barbara A. Zeffiro, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires Nov. 19, 2010
Member, Pennsylvania Association of Notaries

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

STATE OF TEXAS )  
 )  
BEXAR COUNTY )

AFFIDAVIT OF THOMAS ATLEE

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

1. My name is Thomas Atlee. I am currently employed by Glades County Power Partners, LLC as Project Executive. My business address is 11401 Lamar Avenue, Overland Park, KA 66211. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents for which I am listed as affiant and which are included in Exhibit A to FPL's Request for Confidential Classification. Documents or materials that I have reviewed, and which are asserted by FPL to be proprietary confidential business information, include vendor-specific contractual terms and competitively sensitive information, the disclosure of which could impair the competitive business of Glades County Power Partners. To the best of my knowledge, Glades County Power Partners has maintained the confidentiality of these documents and materials.

3. The information referred to in this affidavit should be maintained as confidential for a period of not less than eighteen (18) months. In addition, 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 maintain the confidentiality of these documents.

4. Affiant says nothing further.

Thomas Atlee

SWORN TO AND SUBSCRIBED before me this 21<sup>st</sup> day of September 2007, by Thomas Atlee, who is personally known to me or who has produced a driver's license (type of identification) as identification and who did take an oath.

Kathy G. Bishop  
Notary Public, State of Texas

My Commission Expires: 09-04-2011





**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

STATE OF FLORIDA )  
 )  
PALM BEACH COUNTY )

**AFFIDAVIT OF JOSEPH DALEY**

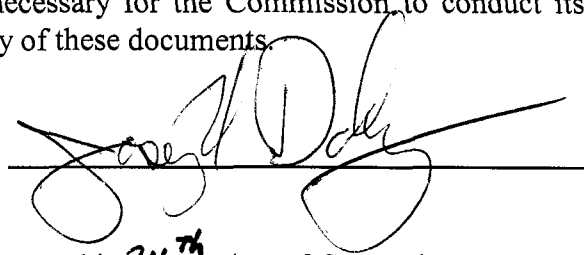
**BEFORE ME**, the undersigned authority, personally appeared Joseph Daley who, being first duly sworn, deposes and says:

1. My name is Joseph Daley. I am currently employed by Florida Power & Light Company (FPL) as Sourcing Leader in Power Procurement Services. My business address is 700 Universe Boulevard, Juno Beach, FL 33408. I have personal knowledge of the matters stated in this affidavit.

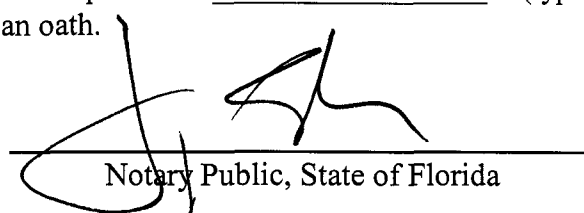
2. With respect to Exhibit C, I have reviewed the documents for which I am listed as affiant and which are included in Exhibit A to FPL's Request for Confidential Classification. Documents or materials that I have reviewed, and which are asserted by FPL to be proprietary confidential business information, include vendor-specific contractual terms, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms in the future, to the detriment of FPL and its customers. Further, certain information provided constitutes competitively sensitive data, the disclosure of which could impair the competitive business of the vendor. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. The information referred to in this affidavit should be maintained as confidential for a period of not less than eighteen (18) months. In addition, 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 maintain the confidentiality of these documents.

4. Affiant says nothing further.



**SWORN TO AND SUBSCRIBED** before me this 24<sup>th</sup> day of September 2007, by Joseph Daley, who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification and who did take an oath.

  
Notary Public, State of Florida

My Commission Expires:

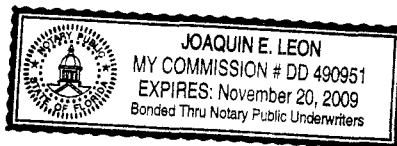


EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

STATE OF TEXAS )  
 )  
HARRIS COUNTY )

AFFIDAVIT OF MARGARET MCKAY

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

1. My name is Margaret McKay. I am currently employed by Toshiba International Corporation (Toshiba) as Vice President and General Counsel. My business address is 13131 West Little York Road, Houston, Texas 77041. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents for which I am listed as affiant and which are included in Exhibit A to FPL's Request for Confidential Classification. Documents or materials that I have reviewed, and which are asserted by FPL to be proprietary confidential business information, include vendor-specific contractual terms and competitively sensitive information, the disclosure of which could impair the competitive business of Toshiba. To the best of my knowledge, Toshiba has maintained the confidentiality of these documents and materials.

3. The information referred to in this affidavit should be maintained as confidential for a period of not less than eighteen (18) months. In addition, 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 maintain the confidentiality of these documents.

4. Affiant says nothing further.

*Margaret M. McKay*  
\_\_\_\_\_

SWORN TO AND SUBSCRIBED before me this 25 day of September 2007, by Margaret McKay, who is personally known to me and who did take an oath.

*Gwynne Davenport*  
\_\_\_\_\_

Notary Public, State of Texas

My Commission Expires: 10-28-07

