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September 27, 2007

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-VIA HAND 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

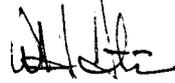
Re: Docket No. 070001-EI

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's Request for Confidential Classification of Information Provided Pursuant to Audit No. 07-022-4-1 (Revised), 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.

Sincerely,


John T. Butler

CMP _____

COM _____

CTR _____

ECR _____ Enclosure

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

GCL 2 _____

OPC _____

RCA _____

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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power)
Cost Recovery Clause and Generating)
Performance Incentive Factor)
_____)

DOCKET NO. 070001-EI

FILED: September 27, 2007

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION
PROVIDED PURSUANT TO AUDIT NO. 07-022-4-1 (REVISED)**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby revises its request for confidential classification of certain information provided to the Commission Staff in connection with its audit of FPL's Fuel Cost Recovery Clause true-up schedules (Audit Control No. 07-022-4-1; hereinafter the "FCR Audit") in this docket, which was filed on June 26, 2007 (the original confidentiality request will be referred to herein as the "June 26 Request," and this revision will be referred to herein as the "Revised Request." In support of its Revised Request, FPL states as follows:

1. During the FCR Audit, Staff requested access to various FPL reports and other documents, portions of which became working papers of the auditors. By letter dated June 5, 2007, Staff indicated its intent to retain certain working papers for which confidential treatment previously had been requested (the "Working Papers"). Pursuant to Rule 25-22.006(3)(a), FPL was given 21 days from the date of that letter, or until June 26, 2007, to file a formal request for confidential classification with respect to the Working Papers. The June 26 Request requested confidential classification of the confidential portions of the Working Papers consistent with Rule 25-22.006(3)(a). Subsequent to filing the June 26 Request, FPL and the Commission Staff have identified minor discrepancies in the exhibits accompanying the June 26 Request

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concerning the designation of confidential information. This Revised Request is being filed to correct those exhibits. The Revised Reference incorporates by reference the June 26 Request and its accompanying exhibits.

2. The following exhibits are included with and made a part of this Revised Request:

a. Composite Exhibit A to the June 26 Request consisted of copies of the Working Papers, on which the information that FPL that asserted was entitled to confidential treatment was highlighted. The attached Revised Exhibit A consists of the six pages of the original Exhibit A that require correction.

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

c. Revised Exhibit C is a table containing a line-by-line and page-by-page identification of the information for which confidential classification 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. Revised Exhibit C corrects the minor discrepancies in the designation of confidential information that appeared in the original Exhibit C.

d. Revised Exhibit D is comprised of the revised affidavits of Korel M. Dubin and Gerard J. Yupp. The affidavits of Messrs. Birch, Brown, Cuba, Gwinn, Lom, and Onsgard that were attached to the June 26 Request do not require revision and accordingly are not included in Revised Exhibit D. Ms. Dubin's affidavit has been revised to clarify that FPL seeks confidential classification of *customer* account information, not *bank* account information in the Work Papers to which she is attesting, while Mr. Yupp's affidavit has been revised to

clarify that FPL seeks confidential classification of certain bank account information that appears in the Work Papers to which he is attesting.

3. FPL seeks confidential protection for the information highlighted in the original Exhibit A, as corrected by Revised 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.

4. Pursuant to Section 366.093, the information highlighted in the original Exhibit A, as corrected by Revised 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.

5. The statutory bases for FPL's assertion of confidentiality with regard to each document or portion thereof are set forth in Revised Exhibit C under the column titled "FLORIDA STATUTE 366.093(3) SUBSECTION." The letters in that column refer to the subsection(s) of Section 366.093(3) that provide justification for FPL's request. Further support for FPL's request for confidential classification of the referenced information is provided through the affidavits that are included in the original Exhibit D, as corrected by Revised Exhibit D.

6. Upon a finding by the Commission that the information highlighted in the original Exhibit A, as corrected by Revised Exhibit A, 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), Fla. Stat.

WHEREFORE, for the foregoing reasons, Florida Power & Light Company respectfully requests confidential classification of the confidential portions of the Working Papers as set forth herein.

Respectfully submitted,

R. Wade Litchfield, Esq.
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John T. Butler, Esq.
Senior Attorney
Law Department
Florida Power & Light Company
700 Universe Blvd.
Juno Beach, Florida 33408-0420
Telephone: 561-5639
Fax: 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 Request for Confidential Classification of Information Provided Pursuant to Audit No. 07-0222-4-1 (Revised) (*) has been furnished by hand delivery (**) or U.S. Mail on this 27th day of September, 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
111 West Madison Street, Room 812
Tallahassee, Florida 32399

Lee L. Willis, Esq.
James D. Beasley, Esq.
Ausley & McMullen
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P.O. Box 391
Tallahassee, Florida 32302

John T. Burnett, Esq.
Progress Energy Service
Company, LLC
P.O. Box 14042
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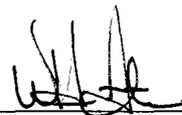
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By: 
John T. Butler

* The exhibits to this Revised Request are not included with the service copies, but copies of Revised 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

ACKNOWLEDGEMENT

CONFIDENTIAL

DATE: 9/27/07

TO: J. 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 070001-EI or, if filed in an undocketed matter, concerning Audit No. 07-022-4-1, 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
08897 SEP 27 2007
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