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October 17, 2007

**VIA HAND DELIVERY**

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

**Re: Florida Power & Light's Request for Confidential Classification for Materials Provided at Staff's Request - Docket 070626-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 request. The original includes Exhibits A, B, C, and D. The copies only include Exhibit C.

Exhibit A consists of copies of certain documents on which all information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit A is submitted for filing in a separate, sealed folder marked "EXHIBIT A-CONFIDENTIAL." 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 justification for its Request for Confidential Classification. Exhibit D contains affidavits in support of FPL's Request for Confidential Classification. Also included in this filing is a computer diskette containing FPL's Request for Confidential Classification and Exhibit C in Word format.

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
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- OPC \_\_\_\_\_
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- SGA \_\_\_\_\_
- SEC \_\_\_\_\_
- OTH 1 copy \_\_\_\_\_

Please do not hesitate to contact me should you or your Staff have any questions regarding this filing.  
*Diskette*

Sincerely,  
*Natalie F. Smith*

Natalie F. Smith

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**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Review of Florida Power & Light Company's Sunshine Energy Program	)	Docket No. 070626-EI
	)	
	)	Filed: October 17, 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(3), Florida Statutes (2007), requests confidential classification of certain material provided to the Florida Public Service Commission ("Commission") staff ("Staff") at their request. In support of its request, FPL states as follows:

1. On October 1, 2007, Staff requested that FPL file certain confidential documents. The Staff request is attachment 1 to FPL's Notice of Intent to Request Confidential Classification filed October 2, 2007 in the above-referenced docket ("Notice of Intent").

2. The following exhibits are included and made a part of this request:

a. Exhibit A to FPL's Request replaces Exhibit A to FPL's October 2, 2007 Notice of Intent. Exhibit A consists of the documents for which FPL seeks confidential treatment. All information in Exhibit A that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

b. Exhibit B consists of edited versions of all documents for which FPL seeks confidential treatment. All information for which FPL requests confidential treatment has

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been redacted in Exhibit B.

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. Composite Exhibit D includes the affidavits of C. Dennis Brandt and Paul Markovich in support of this Request.

3. FPL submits that the highlighted information in 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.

4. As the affidavits provided in Composite Exhibit D indicate, the information provided by FPL includes contractual terms and information which is proprietary confidential business information under Section 366.093(3)(d) and (e), Florida Statutes. The disclosure of this information would impair the efforts of FPL to contract for goods or services on favorable terms to the detriment of FPL and its customers. See, Section 366.093(3)(d), Fla. Stat. (2007). It also relates to the competitive interests of each of the other parties to the contracts, the disclosure of which would adversely affect their competitive businesses. See, 366.093(3)(e), Fla. Stat. (2007). As a result, the information provided is protected from public disclosure.

5. 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 thirty-six (36) months. This material will continue to be proprietary confidential business information after eighteen (18) months, the amount of time typically afforded for confidential classification. Additionally, these contracts provide for effective terms that exceed the next eighteen (18) months. This request is consistent with Commission precedent, which has ordered confidential classification for up to thirty-six (36) months in the past. See, e.g., In Re: Request for Confidential Classification of Florida Power & Light Company, Docket No. 971298-EI, Order No. 99-0473-CFO-EI (Dated March 8, 1999). Therefore, confidential classification should continue for thirty-six (36) months, and the material provided should 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,

Natalie F. Smith  
Principal Attorney  
Florida Power & Light Company  
215 S. Monroe Street  
Tallahassee, Florida 32301

By:

  
Natalie F. Smith

**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 by hand delivery\* and by United States Mail this 17<sup>th</sup> day of October, 2007, to the following:

Katherine Fleming\*  
Jean Hartman  
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:   
Natalie F. Smith

# **Exhibit C**

## **Justification Table**

**EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Documents  
**DOCKET NO.** Undocketed

<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>
Staff's Request for information status project – Sunshine Energy Program	2	N Y	Pg 1 Pg 2, Lines 5 - 18	(d), (e)	P. Markovich C. Dennis Brandt

COMMISSIONERS:  
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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: October 18, 2007

TO: N. Smith/Florida Power & Light

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 070626 or, if filed in an undocketed matter, concerning answers for request made by staff on 10/1/07, and filed on behalf of Florida Power & Light. 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  
09552 OCT 18 2007  
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