

John T. Butler
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5639
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October 19, 2007

-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

RECEIVED 11:00
07 OCT 22 AM 10:32
COMMISSION
CLERK

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 First Request for Extension of Confidential Classification Granted by Order No. PSC-06-0318-CFO-EI of Information on short term capacity payments contained in Schedule A12 of Appendix II to the prepared testimony of FPL witness K. M. Dubin in Docket No. 060001, 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.

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

COM _____

CTR _____

ECR 4

GCL 2 + 1 Diskette

OPC _____

RCA Enclosure

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

SGA _____

SEC _____

OTH com records

Sincerely,

Karel M. Dubin for JTB
John T. Butler

DOCUMENT NUMBER / DATE

09593 OCT 22 05

FPSC-COMMISSION CLERK

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: October 22, 2007

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

NOW BEFORE THIS COMMISSION, through the 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 submits its First Request for Extension of Confidential Classification Granted by Order No. PSC-06-0318-CFO-EI of certain information on short term capacity payments contained in Schedule A12 of Appendix II to the prepared testimony of FPL witness K. M. Dubin in Docket No. 060001. In support of this First Request for Extension of Confidential Classification, FPL states as follows:

1. Petitioner's name and address are:

Florida Power & Light Company
P.O Box 029100
Miami, Florida 33102-9100

Orders, notices, or other pleadings related to this request should be served on:

John T. Butler, Esq.
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33048

2. On March 1, 2006, FPL filed with the Commission a Request for Confidential Classification of Information on short term capacity payments contained in Schedule A12 of Appendix II to the prepared testimony of FPL witness K. M. Dubin. FPL's initial filing consisted of the March 1, 2006 Request and attached Exhibits A through D. FPL adopts and incorporates by reference its March 1, 2006 Request, including Exhibits A, B, C and D thereto.

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FPSC-COMMISSION CLERK

3. By Order No. PSC-06-0318-CFO-EI, dated April 20, 2006 the Commission granted FPL's March 1, 2006 Request.

4. The period of confidential treatment granted by Order No. PSC-06-0318-CFO-EI will soon expire. All of the information that was the subject of FPL's March 1, 2006 Request warrants continued treatment as proprietary and confidential business information with the meaning of section 366.093(3).

5. Included herewith and made a part hereof as Exhibit D (Revised) is the affidavit Gerard Yupp, which supplements Exhibit D to the March 1, 2006 Request.

6. FPL submits that the information identified on Exhibit C to the March 1, 2006 Request continues to be proprietary confidential business information within the meaning of section 366.093(3)(d). Pursuant to section 366.093, such materials are entitled to confidential treatment and are 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.

7. The statutory bases for FPL's assertion of confidentiality with regard to each document or portion thereof continue to be as set forth in Exhibit C to the March 1, 2006 Request under the column entitled "FLORIDA STATUTE 366.093(3)." The letters (a) through (f) refer to subsections of section 366.093(3), as applicable. Support for FPL's request to extend confidential classification for the referenced materials is provided through the affidavits that are attached hereto as Exhibit D (Revised). As indicated in said affidavits, all highlighted information in Exhibit A is proprietary confidential business information within meaning of Section 366.093(3).

8. The material for which FPL seeks continued confidential classification is intended to be and is treated by FPL as confidential and has not been disclosed. Nothing has changed since the issuance of Order No. PSC-06-0318-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate.

9. Accordingly, FPL requests that the information highlighted in Exhibit A to the March 1, 2006 Request and referenced in Order No. PSC-06-0318-CFO-EI be accorded confidential classification for an additional eighteen month period. FPL further requests that the information be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the above and forgoing reasons, as more fully set forth in the supporting materials and affidavits included herewith and incorporated herein by reference, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

R. Wade Litchfield, Esq.
Vice President and 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: John T. Butler *for JTB*
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 has been furnished by overnight delivery (*) or United States mail this 19th day of October, 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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c/o The Florida Legislature
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Tallahassee, Florida 32399

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The Capitol – PL01
Tallahassee, Florida 32399-1050

By: Kerul M. Dubi
John T. Butler for JTB

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

AFFIDAVIT OF GERARD J. YUPP

BEFORE ME, the undersigned authority, personally appeared Gerard J. Yupp who, being first duly sworn, deposes and says:

1. My name is Gerard J. Yupp. I am currently employed by Florida Power & Light Company ("FPL") as Director of Wholesale Operations in the Energy Marketing and Trading Division. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the documents and information for which I am listed as Affiant in Exhibit C and which are included in Exhibit A to FPL's Request for Confidential Classification of Schedule A12 of Appendix II to the prepared testimony of FPL witness K. M. Dubin filed on March 1, 2006. The document and materials that I have reviewed, and that FPL asserts in Exhibit C to be proprietary confidential business information, relate to pricing for short-term capacity purchases. Disclosure of this information would impair the competitive interests of FPL, as well as FPL's ability to contract on favorable terms. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. No significant changes have occurred since the issuance of Order No. PSC- 60-0318-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than eighteen months. 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 continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.

Handwritten signature of Gerard J. Yupp over a horizontal line.

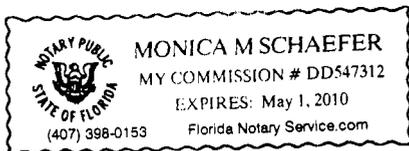
Gerard J. Yupp

SWORN TO AND SUBSCRIBED before me this 17th day of October 2007, by Gerard J. Yupp, who is personally known to me or who has produced personally known (type of identification) as identification and who did take an oath.

Handwritten signature of Monica M. Schaefer over a horizontal line.

Notary Public, State of Florida

My Commission Expires:



DOCUMENT NUMBER-DATE

09593 OCT 22 07

FPSC-COMMISSION CLERK