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Florida Power & Light Company  
700 Universe Boulevard  
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December 14, 2007

**-VIA OVERNIGHT DELIVERY -**

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

RECEIVED-FPSC  
07 DEC 17 AM 10: 12  
COMMISSION  
CLERK

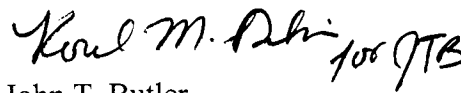
**Re: Docket No. 070001-EI**

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 Extension of Confidential Classification of Certain Information Responsive to Staff's First Set of Production of Documents, 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

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 + Diskette

OPC \_\_\_\_\_

RCA \_\_\_\_\_

SCR \_\_\_\_\_

SGA \_\_\_\_\_

SEC \_\_\_\_\_

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(Conf. DNS 10695-05  
x-ref. 09914-05)

DOCUMENT NUMBER-DATE

10963 DEC 17 5

FPSC-COMMISSION CI FRK

**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: December 14, 2007

**FLORIDA POWER & LIGHT COMPANY'S  
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF  
CERTAIN INFORMATION RESPONSIVE TO STAFF'S  
FIRST SET OF PRODUCTION OF DOCUMENTS**

**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 of certain documents responsive to Staff's First Set of Production of Documents, Nos. 2, 3, 6 and 7 in Docket No. 050001-EI. 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 November 3, 2005, FPL filed with the Commission a Request for Confidential Classification of information contained in answers responsive to Staff's First Set of Production of Documents, Nos. 2, 3, 6 and 7. FPL's initial filing consisted of the November 3, 2005 Request and attached Exhibits A through D. FPL adopts and incorporates by reference its November 3, 2005 Request, including Exhibits A, B, C, and D thereto.

DOCUMENT NUMBER-DATE

10963 DEC 17 5

FPSC-COMMISSION CLERK

3. By Order No. PSC-06-0568-CFO-EI, dated June 30, 2006, the Commission granted FPL's November 3, 2005 Request.

4. The period of confidential treatment granted by Order No. PSC-06-0568-CFO-EI will soon expire. All of the information that was the subject of FPL's November 3, 2005 Request warrants continued treatment as proprietary and confidential business information within the meaning of section 366.093(3).

5. Included herewith and made a part hereof as Exhibit D (Revised) is the affidavit Gerard Yupp, Terry O. Jones, and Frank Irizarry which supplement Exhibit D to the November 3, 2005 Request.

6. FPL submits that the information identified in Exhibit C to the November 3, 2005 Request continues to be proprietary confidential business information within the meaning of section 366.093(3). As the affidavits provided in Exhibit D (Revised) indicate, this information includes information concerning bids and other contractual data, which is protected by section 366.093(3)(d), and information related to competitive interests, which is protected by section 366.093(3)(e). 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 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-06-0568-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate.

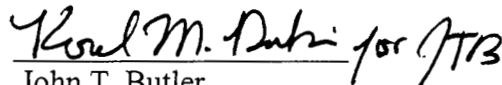
8. Accordingly, FPL requests that the information highlighted in Exhibit A to the November 3, 2005 Request and referenced in Order No. PSC-06-0568-CFO-EI be accorded confidential classification for an additional eighteen month period. FPL further requests that the information be returned to FPL as soon 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  
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 14th day of December, 2007, to the following:

Lisa Bennett, Esq. \*  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Lee L. Willis, Esq.  
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Ausley & McMullen  
Attorneys for Tampa Electric  
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Tampa, Florida 33602

Jeffrey A. Stone, Esq.  
Russell A. Badders, Esq.  
Beggs & Lane  
Attorneys for Gulf Power  
P.O. Box 12950  
Pensacola, Florida 32576-2950

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Eighth Floor, West Tower  
Washington, DC 20007-5201

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Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399

John T. Burnett, Esq.  
Progress Energy Service  
Company, LLC  
P.O. Box 14042  
St. Petersburg, Florida 33733-4042

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Floyd R. Self, Esq.  
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Attorneys for FPUC  
P.O. Box 1876  
Tallahassee, Florida 32302-1876

Michael B. Twomey, Esq.  
Attorney for AARP  
Post Office Box 5256  
Tallahassee, Florida 32314-5256

Lieutenant Colonel Karen White  
Captain Damund Williams  
AFCESA/ULT  
139 Barnes Drive  
Tyndall Air Force Base, Florida 32403

Cecilia Bradley  
Senior Assistant Attorney General  
Office of the Attorney General  
The Capitol – PL01  
Tallahassee, Florida 32399

By: Kevin M. Dubri for JTB  
John T. Butler

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery ) DOCKET NO. 070001-EI
Clause with Generating Performance Incentive Factor )

STATE OF FLORIDA )
) AFFIDAVIT OF GERARD YUPP
PALM BEACH COUNTY )

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

1. My name is Gerard 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 document and information for which I am listed as an affiant in Exhibit C and which are included in Exhibit A to FPL's Request for Confidential Classification of Certain Information Responsive to Staff's First Set of Production of Documents Nos. 2 and 3. The documents and materials that I have reviewed and that FPL asserts in Exhibit C to be proprietary confidential business information include information concerning bids or other contractual data and information of competitive interests. Disclosure of this information would impair the competitive interest of FPL, as well as FPL's ability to contract on favorable terms, to the detriment of FPL's customers. 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-06-0568-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 Yupp]
Gerard Yupp

SWORN TO AND SUBSCRIBED before me this 13th day of December, 2007, by Gerard Yupp, who is personally known to me or who has produced personally known (type of identification) as identification and who did take an oath.

My commission expires



[Handwritten signature of Maritza Miranda-Wise]
Notary Public, State of Florida

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power Cost Recovery ) DOCKET NO. 070001-EI  
Clause with Generating Performance Incentive Factor )

STATE OF FLORIDA )  
 )  
PALM BEACH COUNTY ) **AFFIDAVIT OF TERRY O. JONES**

**BEFORE ME**, the undersigned authority, personally appeared Terry O. Jones who, being first duly sworn deposes and says:

1. My name is Terry O. Jones. I am currently employed by Florida Power & Light Company ("FPL") as Vice President of Nuclear Plant Support. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the document and information for which I am listed as an affiant in Exhibit C and which are included in Exhibit A to FPL's Request for Confidential Classification of Certain Information Responsive to Staff's First Set of Production of Documents No. 6, bates stamp numbers 380-436, and No.7, bates stamp numbers 133-150. The documents and materials that I have reviewed and that FPL asserts in Exhibit C to be proprietary confidential business information include information concerning bids or other contractual data and information related to competitive interests. Disclosure of this information would impair the competitive interests of FPL, as well as FPL's ability to contract on favorable terms, to the detriment of FPL's customers. 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-06-0568-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.

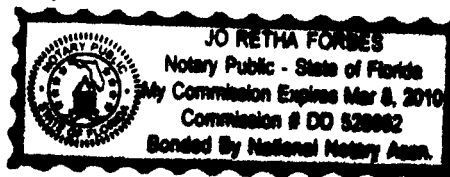
4. Affiant says nothing further.

*Terry O. Jones*  
\_\_\_\_\_  
Terry O. Jones

**SWORN TO AND SUBSCRIBED** before me this 12<sup>th</sup> day of December, 2007, by Terry O. Jones, who is personally known to me or who has produced Personally Known (type of identification) as identification and who did take an oath.

My commission expires:

*Jo Retha Forbes*  
\_\_\_\_\_  
Notary Public, State of Florida





BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery ) DOCKET NO. 070001-EI
Clause with Generating Performance Incentive Factor )

STATE OF FLORIDA )
) AFFIDAVIT OF FRANK IRIZARRY
PALM BEACH COUNTY )

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

1. My name is Frank Irizarry. I am currently employed by Florida Power & Light Company ("FPL") as Director of Production Assurance and Business Services in the Power Generation Division. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the document and information for which I am listed as an affiant in Exhibit C and which are included in Exhibit A to FPL's Request for Confidential Classification of Certain Information Responsive to Staff's First Set of Production of Documents No. 6, bates stamp numbers 375-379. The documents and materials that I have reviewed and that FPL asserts in Exhibit C to be proprietary confidential business information include information concerning bids or other contractual data and information related to competitive interests. Disclosure of this information would impair the competitive interests of FPL, as well as FPL's ability to contract on favorable terms, to the detriment of FPL's customers. 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-06-0568-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 Frank Irizarry]
Frank Irizarry

SWORN TO AND SUBSCRIBED before me this 12 day of December, 2007, by Frank Irizarry, who is personally known to me or who has produced FPL ID (type of identification) as identification and who did take an oath.

My commission expires:

[Handwritten signature of Notary Public]
Notary Public, State of Florida

