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December 14, 2007

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**-VIA OVERNIGHT DELIVERY -**

Ms. Ann Cole  
Commission Clerk  
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 First Request for Extension of Confidential Classification of Fuel Hedging Information, 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 for JTB*

John T. Butler

CMP \_\_\_\_\_  
COM \_\_\_\_\_ Enclosure  
cc: Counsel for parties of record (w/encl.)  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
GCL 2 + Diskette  
OPC \_\_\_\_\_  
RCA \_\_\_\_\_  
SCR \_\_\_\_\_  
SGA \_\_\_\_\_  
SEC \_\_\_\_\_  
OTH 1 comp records

*(Comp DN 02955-06)*

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 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  
FUEL HEDGING INFORMATION**

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-06-0564-CFO-EI of certain information on fuel hedging activities and market comparison that is contained in Documents GJY-1 and GJY-2 to the prepared testimony of Gerard Yupp in Docket No. 060001-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 April 3, 2006, FPL filed with the Commission a Request for Confidential Classification of certain information on fuel hedging activities and market comparisons contained in Documents GJY-1 and GJY-2. FPL's initial filing consisted of the April 3, 2006

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Request and attached Exhibits A through D. FPL adopts and incorporates by reference its April 3, 2006 Request, including Exhibits A, B, C and D thereto.

3. By Order No. PSC-06-0564-CFO-EI, dated June 30, 2006, the Commission granted FPL's April 3, 2005 Request.

4. The period of confidential treatment granted by Order No. PSC-06-0564-CFO-EI will soon expire. All of the information that was the subject of FPL's April 3, 2006 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 which supplements Exhibit D to the April 3, 2006 Request.

6. FPL submits that the information identified on Exhibit C to the April 3, 2006 Request continues to be proprietary confidential business information within the meaning of section 366.093(3). As the affidavit provided in Exhibit D (Revised) indicates, this information consists of trade secrets which allow FPL to purchase and sell fuel and electric power on favorable terms for FPL and its customers. Pursuant to section 366.093(a), 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-06-0564-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 April 3, 2006 Request and referenced in Order No. PSC-06-0564-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

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The Capitol – PL01  
Tallahassee, Florida 32399

By: Kevin M. Rubin for *JB*  
John T. Butler

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 )
) 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 documents and information in Exhibit A to FPL' Request for Confidential Classification. The documents and materials in Exhibit A which are asserted by FPL to be proprietary confidential business information are comprised of trade secrets of FPL, which allow FPL to purchase and sell fuel and electric power on favorable terms for FPL and its customers. The disclosure of this trade-secret information would provide other participants in the fuel and electric power markets insights into FPL's marketing and trading practices that would allow them to anticipate FPL's marketing and trading decisions and/or impair FPL's ability to negotiate, to the detriment of FPL and its 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-06-0564-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 (type of identification) as identification and who did take an oath.

My commission expires

Handwritten signature of Maritza Miranda-Luiso
Notary Public, State of Florida



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