



Florida Power & Light Company, 215 S. Monroe St., Suite 810, Tallahassee, FL 32301

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December 17, 2007

VIA HAND DELIVERY

Ms. Ann Cole
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
Betty Easley Conference Center
2540 Shumard Oak Boulevard, Room 110
Tallahassee, FL 32399-0850

RECEIVED-FPSC
07 DEC 17 PM 4:32
COMMISSION
CLERK

Re: Florida Power & Light's Amended Request for Confidential Classification
Docket No. 070432-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 Amended Request for Confidential Classification regarding confidential information provided in connection with Staff Audit No. 07-221-4-1. The original includes Exhibits A, B, C and D. The seven copies do not include exhibits. This filing is intended to supersede and replace FPL's Request for Confidential Classification filed in this docket on October 10, 2007, and all exhibits provided therewith.

CMP _____ Exhibit A consists of certain documents on which all information that FPL asserts
COM _____ is entitled to confidential treatment has been highlighted. Exhibit A is submitted for
CTR _____ filing in a separate, sealed envelope marked "EXHIBIT A - CONFIDENTIAL." Exhibit
ECR _____ B is an edited version of Exhibit A, in which the information FPL asserts is confidential
GCL _____ has been redacted. Exhibit C consists of FPL's justification for its Amended Request for
OPC _____ Confidential Classification. Exhibit D contains six affidavits in support of FPL's
RCA _____ Amended Request for Confidential Classification. Also included in this filing is a
SCR _____ computer diskette containing FPL's Amended Request for Confidential Classification
SGA _____ and Exhibit C in word processing format.

Please contact me if you or your Staff has any questions regarding this filing.

Sincerely,

Jessica Cano

OTH 1 conf records

Enclosures

DOCUMENT NUMBER-DATE

10993 DEC 17 5

FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for authority to use deferral)
accounting and for creation of a regulatory)
asset for prudently incurred preconstruction)
costs associated with development of clean)
coal project, by Florida Power & Light)
Company)

Docket No: 070432-EI

Filed: December 17, 2007

**FLORIDA POWER & LIGHT COMPANY'S
AMENDED 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 of the Florida Statutes, hereby requests confidential classification of certain information provided to the Florida Public Service Commission ("Commission") staff ("Staff") in the above referenced docket in connection with Audit No. 07-221-4-1. In support of its request, FPL states as follows:

1. During the audit, Staff requested access to various FPL contracts and other documents. By letter dated September 28, 2007, Staff indicated its intent to retain certain audit work papers. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL was given 21 days from the date of the letter to file a formal request for confidential classification with respect to such workpapers and the Audit Report. FPL complied by formally requesting confidential classification of the sensitive audit workpapers and Staff's Audit report on October 19, 2007. FPL hereby files this Amended Request for Confidential Classification, which is intended to supersede and replace the October 19, 2007 Request and all exhibits thereto.

DOCUMENT NUMBER-DATE

10993 DEC 17 07

FPSC-COMMISSION CLERK

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

a. Exhibit A consists of the documents for which FPL seeks confidential treatment, whether in whole or in part. 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 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 Richard Blanchette, David Hicks, Mary Lou Kromer, Tony Cuba, Gene Ungar, and Joseph Daley.

3. FPL submits that the highlighted information previously provided and incorporated as 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 in Composite Exhibit D indicate, the workpapers include contractual vendor data, including pricing and other terms, the disclosure of which could impair the efforts of FPL to contract for goods and services on favorable terms in the future, to the detriment of FPL and its customers. This information is protected by Section 366.093(3)(d), Florida Statutes. In addition, certain information is competitively sensitive insofar as FPL's vendors and contractors are concerned because disclosure of such information could afford their competitors an unfair advantage in competing for both FPL and non-FPL contracts. This competitively sensitive information is protected by Section 366.093(3)(e), Florida Statutes. Other sensitive information includes employee personnel information, the disclosure of which could impair employees' personal right to privacy. This information is protected by Section 366.093(3)(f), Florida Statutes.

5. As the affidavits in Composite Exhibit D indicate, the Audit Report also contains confidential information. Certain portions of the Audit Report describe, with some detail, the contractual negotiations between FPL and one of its vendors that resulted in the following agreement: (i) a proposed reduction to the FGPP Project of \$2 million with an increase in costs to another project of \$1.75 million resulting in a \$250,000 net reduction; (ii) a revised payment schedule for the other project that would result in a reduction of Allowance for Funds Used During Construction on that project of \$.5 million; and (iii) the potential, if FPL or its affiliates does business with that vendor, of obtaining additional discounts which would be applied to offset part of the remaining unamortized balance of the FGPP costs. These portions of the Staff Audit Report include pricing and other terms, the disclosure of which could impair the efforts of FPL to contract for goods and services on favorable terms in the future, to the detriment of FPL and its customers. This information is protected by Section 366.093(3)(d), Florida Statutes.

6. This proprietary confidential business information will continue to be competitively sensitive beyond an 18 month time frame, for at least 36 months. Therefore, this information should remain confidential for at least 36 months. FPL requests that the material 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). In addition, FPL requests that the information provided in Exhibits A and B to FPL's October 10, 2007 Request be returned at this time, so that FPL may continue to maintain the confidentiality of the sensitive information therein.

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 Amended Request for Confidential Classification be granted.

Respectfully submitted,

R. Wade Litchfield
Associate General Counsel
Bryan S. Anderson
Natalie F. Smith
Jessica A. Cano
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By: 

Jessica A. Cano
Florida Bar No. 0037372

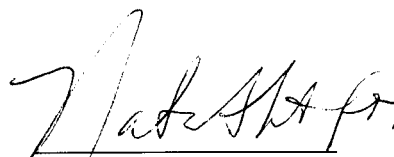
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Request for Confidential Classification, without exhibits, has been furnished electronically and by United States Mail this 17th day of December, 2007, to the following:

Martha Brown, Esquire
Senior Attorney
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:



Jessica Cano
Florida Bar No. 0037372

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

DATE: December 17, 2007

TO: Jessica Cano/Florida Power & Light Company

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 070432-ET or, if filed in an undocketed matter, concerning information provided to staff in connection with Audit No. 07-221-4-1, 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
10994 DEC 17 06
FPSC - COMMISSION CLERK

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