

Jessica A. Cano
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Florida Power & Light Company
700 Universe Boulevard
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January 25, 2008

-VIA OVERNIGHT 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-FPSC
08 JAN 28 PM 3:56
COMMISSION
CLERK

Re: Florida Power & Light Company's Second Extension of Confidential Classification Granted by Order No. PSC-06-0639-CFO-EI in Docket No. 060001-EI

Dear Ms. Cole:

I enclose for filing in the above-referenced matter the original and two copies of Florida Power & Light Company's ("FPL") Second Request for Extension for Extension of Confidential Classification of Materials provided in Audit No. 04-023-4-1 (FPL Fuel Cost Recovery Clause Audit for Year ended December 31, 2003). Exhibits A, B and C from the previous filing subject to Order No. PSC-06-0639-CFO-EI are incorporated herein by reference

CMP _____ Attached is Exhibit D containing the affidavit of Gerard Yupp in support of FPL's
COM _____ Second Request for Extension of Confidential Classification. Also included herewith is a
CTR _____ computer diskette containing FPL's Second Request in word Format. Please contact me should
you or your staff have any questions regarding this filing.

(CONF. DNS 04848-04
05637-04 & 01888-06)

ECR _____

GCL 1

OPC _____

RCA 1

SCR _____

SGA _____

SEC _____ Enclosure

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

OTH 1 copy records

Sincerely,

Kou M. D...
Jessica A. Cano *for JAC*

DOCUMENT NUMBER-DATE

00688 JAN 28 08

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. 080001-EI
Filed: January 28, 2008

**FLORIDA POWER & LIGHT COMPANY'S
SECOND REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
GRANTED BY ORDER NO. PSC-06-0639-CFO-EI IN DOCKET NO. 060001**

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 Second Request for Extension of Confidential Classification of certain portions of Staff's audit report and working papers in FPL's Fuel Cost Recovery Clause Audit for the Year ended December 31, 2003, Audit No. 04-023-4-1 (the "Audit"). In support of this Second 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 3, 2006, FPL filed its First Request for Extension of Confidential Classification of certain materials obtained during the Audit, which incorporated by reference the previously provided Exhibits A, B and C and included revised Exhibit D. FPL adopts and incorporates by reference its March 3, 2006 Request, including Exhibits A, B, C and D thereto.

DOCUMENT NUMBER-DATE

3. By Order No. PSC-06-0639-CFO-EI, dated July 28, 2006, the Commission granted FPL's March 3, 2006 Request.

4. The period of confidential treatment granted by Order No. PSC-06-0639-CFO-EI will soon expire. All of the information that was the subject of FPL's March 3, 2006 Request warrants continued treatment as proprietary and confidential business information within the meaning of section 366.093(3). Accordingly, FPL hereby submits its Second Request for Extension of Confidential Classification.

5. Included herewith and made a part hereof as Exhibit D (Revised) is the affidavit Gerard Yupp which supplements Exhibit D to the March 3, 2006 Request.

6. FPL submits that the information identified on Exhibit C to the March 3, 2006 Request continues to be proprietary confidential business information within the meaning of section 366.093(3)(d) and (e). As the affidavit provided in Exhibit D (Revised) indicates, this information includes information concerning bids and other contractual data, which is protected by section 366.093(3)(d), and information relating 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-06-0639-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 and referenced in Order No. PSC-06-0639-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 Second 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
Jessica A. Cano, Esq.
Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5226
Facsimile: (561) 691-7135

By:


Jessica A. Cano
Fla. Bar No. 0037372

CERTIFICATE OF SERVICE
Docket No. 080001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by overnight delivery (*) or United States mail this 25th day of January, 2008, to the following:

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

J. R. Kelly, Esq.
Steve Burgess, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399

Lee L. Willis, Esq.
James D. Beasley, Esq.
Ausley & McMullen
Attorneys for Tampa Electric
P.O. Box 391
Tallahassee, Florida 32302

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

John W. McWhirter, Jr., Esq.
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Tampa, Florida 33602

Norman H. Horton, Jr., Esq.
Floyd R. Self, Esq.
Messer, Caparello & Self
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P.O. Box 1876
Tallahassee, Florida 32302-1876

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

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

By: Kerol M. Dubi for JAC
Jessica A. Cano

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery) DOCKET NO. 080001-EI
Clause with Generating Performance Incentive Factor)

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

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.

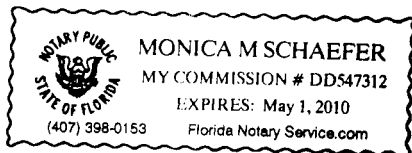
2. I have reviewed Exhibit C and the documents which are included in Exhibit A to FPL's Request for Confidential Classification of Materials Provided in Florida Power & Light Company's Response to Audit Report (Audit Control No. 04-023-4-1). The document and materials that I have reviewed and that FPL asserts in Exhibit C to be proprietary confidential business information include vendor-specific pricing information and certain hedging-related expenditures that relate to competitive interests, the disclosure of which may impair FPL's competitive business. Some of the data included in Exhibit A contains vendor specific information and is related to FPL's procurement practices. Disclosure of this information would impair the competitive interest 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-06-0639-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 business so that FPL can continue to maintain confidentiality of these documents.

4. Affiant says nothing further.

Gerard J. Yupp
Gerard J. Yupp

SWORN TO AND SUBSCRIBED before me this 23rd day of January, 2008, 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.



Monica M. Schaefer
Notary Public, State of Florida

DOCUMENT NUMBER DATE

00688 JAN 28 08

FPSC-COMMISSION CLERK