



Jessica Cano  
 Attorney  
 Florida Power & Light Company  
 700 Universe Boulevard  
 Juno Beach, FL 33408-0420  
 (561) 304-5226  
 (561) 691-7135 (Facsimile)

February 21, 2008

**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-PPSC  
 08 FEB 21 PM 1:53  
 COMMISSION  
 CLERK

Re: Docket No. 070650-EI; Florida Power & Light Company's Request for  
 Confidential Classification and Protective Order

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Request for Confidential Classification and Protective Order, regarding Hearing Exhibits 97 and 102, which were admitted into the record during the hearing in the above referenced docket. The original includes Exhibits A, B, and C. The seven (7) copies include Exhibits A and B only. Also included with this filing is a computer diskette containing FPL's Request for Confidential Classification and Exhibit B in word processing format.

Exhibit A is an edited version of Hearing Exhibit 97, in which the information FPL asserts is confidential has been redacted. Hearing Exhibit 102 was provided in electronic form, and accordingly, a redacted version is not included. Exhibit B consists of FPL's justification for its Request for Confidential Classification. Exhibit C consists of an affidavit in support of FPL's Request. The Office of the Commission Clerk is already in possession of the confidential Hearing Exhibits 97 and 102.

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

Sincerely,  
*Jessica Cano*  
 Jessica Cano

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR** \_\_\_\_\_
- GCL *1 + Diskette*
- OPC \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SGA \_\_\_\_\_
- SEC \_\_\_\_\_
- OTH *1 conf records*

Enclosures  
 cc: parties of record w/out enclosures

DOCUMENT NUMBER-DATE  
 01357 FEB 21 08  
 FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Florida Power & Light Company's )  
Petition to Determine Need for )  
Turkey Point Nuclear Units 6 and 7 )  
Electrical Power Plant )

Docket No. 070650-EI

Filed: February 21, 2008

**FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION AND PROTECTIVE ORDER**

Pursuant to Rule 25-22.006, Florida Administrative Code, Section 366.093, Florida Statutes, and Order No. PSC-07-0869-PCO-EI, Florida Power & Light Company ("FPL") hereby requests confidential classification of certain information admitted into the record during the hearing before the Florida Public Service Commission ("Commission") in the above referenced docket. In support of its request, FPL states as follows:

1. The confidential information is contained in Hearing Exhibits 97 and 102, which were admitted into the record on February 1, 2008. Pursuant to Rule 25-22.006(8)(b), Florida Administrative Code and Order No. PSC-07-0869-PCO-EI, FPL hereby files its Request for Confidential Classification.

2. Hearing Exhibit 97 was obtained by the Office of Public Counsel ("OPC") prior to the hearing pursuant to its First Request for Production of Documents No. 3. On January 14, 2007, the Commission granted FPL's Motion for Temporary Protective Order to maintain the confidentiality of this information. See Order No. PSC-08-0036-PCO-EI. To the extent OPC has retained any copies of FPL's confidential information, FPL requests that the Commission issue a protective order pursuant to Rule 25-22.006(6)(a) and (c), exempting the information from section 119.07(1), Florida Statutes.

DOCUMENT NUMBER-DATE

01357 FEB 21 08

FPSC-COMMISSION CLERK

3. The confidential information is already in the possession of the Office of the Commission Clerk, and is included herein by reference. Additionally, the following exhibits are included with this Request and made a part hereof:

a. Exhibit A consists of an edited version of Hearing Exhibit 97, on which all confidential information has been redacted. Hearing Exhibit 102 is a voluminous document that was provided in electronic form on a compact disc, and accordingly, a redacted version of Hearing Exhibit 102 is not being provided. *See* Rule 25-22.006(4)(b).

b. Exhibit B is a table containing a line-by-line and page-by-page identification of the information in Hearing Exhibits 97 and 102 for which confidential treatment is sought, references to the specific statutory basis or bases for the claim of confidentiality, and a reference to the affidavit in support of the requested classification.

c. Exhibit C includes the affidavit of John Hampp in support of this request.

4. FPL submits that the information in Hearing Exhibits 97 and 102 is proprietary confidential business information within the meaning of section 366.093(3), Florida Statutes. This information is intended to be and is treated by FPL as private, and to the best of FPL's knowledge it has not been publicly disclosed. Pursuant to section 366.093, Florida Statutes, 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.

5. Exhibits 97 and 102 contain confidential information provided by ICF International (“ICF”). As the affidavit of Mr. Hampp indicates, the confidential information is competitively sensitive data, the disclosure of which could impair the competitive business of ICF. The confidential information includes data and analyses provided by ICF only to subscribing, paying clients. This information is routinely updated to provide its clients with the most current forecasts and analyses. Disclosure of this information in a public forum would adversely affect the competitive business of ICF as a provider of this commercially valuable information. Further, FPL is obligated not to disclose ICF’s competitively sensitive data, and public disclosure of this information could impair the efforts of FPL to contract with ICF on favorable terms in the future, to the detriment of FPL’s customers. This type of information is protected by 366.093(3)(e), Florida Statutes.

6. Upon a finding by the Commission that the information in Hearing Exhibits 97 and 102 is proprietary confidential business information within the meaning of Section 366.093(3), those exhibits should not be declassified for a period of at least eighteen (18) months, and should 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), Florida Statutes.

7. Other confidential information was obtained by Staff during this proceeding, but not admitted into the record. That information includes FPL’s responses to Staff’s Fourth Request for Production of Documents Nos. 16 and 17, for which confidential classification was requested on December 21, 2007. That request is still pending. FPL requests that this information be returned to FPL as soon as possible, but in any event no later than 60 days following issuance of the final order in this docket, pursuant to Rule 25-22.006(6)(d), Florida Administrative Code.

**WHEREFORE**, for the above and foregoing reasons, Florida Power & Light Company respectfully requests that its Request for Confidential Classification and Protective Order be granted.

Respectfully submitted this 21st day of February, 2008.

R. Wade Litchfield, Vice President &  
Associate General Counsel  
Jessica A. Cano  
Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420

By: Jessica Cano  
Jessica A. Cano  
Florida Bar No. 0037372

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically this 21st day of February, 2008, to the following:

Katherine E. Fleming  
Senior Attorney  
Florida Public Service Commission  
Gerald L. Gunter Building  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Charles J. Beck, Deputy Public Counsel  
Office of the Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400

Frederick M. Bryant  
Jody Lamar Finklea  
Daniel B. O'Hagan  
Attorneys for Florida Municipal Power Agency and  
Florida Municipal Electric Association  
P.O. Box 3209  
Tallahassee, FL 32315-3209

Kenneth P. Ksionek  
Zoila P. Easterling  
Orlando Utilities Commission  
500 South Orange Avenue  
Orlando, FL 32801

Roger Fontes  
Florida Municipal Power Agency  
8553 Commodity Circle  
Orlando, FL 32819

Bob Krasowski  
1086 Michigan Avenue  
Naples, FL 34103-3857  
On Behalf of Jan M. Krasowski and Bob  
Krasowski

Roy C. Young  
Young van Assenderp, P.A.  
225 South Adams Street, Suite 200  
Tallahassee, FL 32301  
Attorney for Orlando Utilities Commission

William T. Miller  
Miller, Balis & O'Neil, P.A.  
1140 19<sup>th</sup> St., N.W., Suite 700  
Washington, DC 20036  
Attorney for Seminole Electric Cooperative, Inc.

Vicki Gordon Kaufman  
Anchors Smith Grimsley  
118 North Gadsden Street  
Tallahassee, FL 32301  
Attorney for Seminole Electric Cooperative, Inc.

Barry Moline  
Florida Municipal Electric Association  
P.O. Box 10114  
Tallahassee, FL 32302-2114

James A. Dickenson  
P.G. Para  
JEA  
21 West Church Street  
Jacksonville, FL 32202

By: Jessica Cano  
Jessica A. Cano  
Fla. Bar No. 0037372

# **EXHIBIT A**











# EXHIBIT B

DOCUMENT NUMBER-DATE  
G 1357 FEB 21 8  
FPSC-COMMISSION CLERK

**EXHIBIT B**

**COMPANY:** Florida Power & Light Company  
**DOCKET NO:** 070650-EI  
**IN RE:** Confidential Hearing Exhibits 97 and 102

<b>Exhibit No.</b>	<b>Description</b>	<b>No. of Pages</b>	<b>Confidential Yes/No</b>	<b>Line No.</b>	<b>Fla. Statute 366.093(3) Subsection</b>	<b>Affiant</b>
97	Excerpts from ICF "U.S. Emission and Fuel Markets Outlook 2006"	4	Yes	ALL	(e)	John Hampp
102	ICF New Study	268	Yes	All	(e)	John Hampp

# EXHIBIT C

DOCUMENT NUMBER DATE  
01357 FEB 21 8  
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's)
Petition to Determine Need for )
Turkey Point Nuclear Units 6 & 7 )
Electrical Power Plant )

DOCKET NO. 070650-EI

STATE OF FLORIDA )
PALM BEACH COUNTY )

AFFIDAVIT OF JOHN HAMPP

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

1. My name is John Hampp. I am currently employed by Florida Power & Light Company ("FPL") as a Principal Environmental Specialist. 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 an affiant in Exhibit B. The information asserted by FPL to be proprietary confidential business information consists of information relating to competitive interests. The disclosure of the information would impair the competitive businesses of the provider of the information, ICF International. Additionally, FPL is obligated to maintain the confidentiality of this information. To the best of my knowledge, FPL has maintained the confidentiality of the information which is asserted to be proprietary confidential business information.

3. Consistent with the provisions of the Florida Administrative Code, such information should remain confidential for the period of eighteen (18) months. In addition, the documents containing the proprietary confidential business information 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 that information.

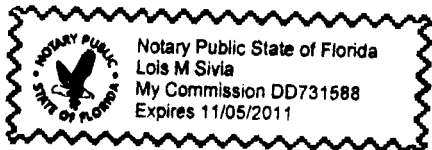
4. Affiant says nothing further.

Handwritten signature of John Hampp over a horizontal line.

SWORN TO AND SUBSCRIBED before me this 19 day of February, 2008, by John Hampp, who is personally known to me or who has produced (type of identification) as identification and who did take an oath.

My commission expires:

Handwritten signature of Lois M Sivia over a horizontal line, followed by the text 'Notary Public, State of Florida'.



DOCUMENT NUMBER-DATE

01357 FEB 21 08

FPSC-COMMISSION CLERK