



February 27, 2008

VIA HAND DELIVERY

Ms. Ann Cole
Office of Commission Clerk
Florida Public Service Commission
Betty Easley Conference Center
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RECEIVED-FPSC
08 FEB 27 AM 11:35
COMMISSION
CLERK

Re: Florida Power & Light's Notice of Intent to
Request Confidential Classification of Materials
Docket No. 070432-EI

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are the original and seven (7) copies of FPL's Notice of Intent to Request Confidential Classification related to certain confidential information included in FPL's response to Staff's Third Set of Interrogatories No. 14, Staff's Second Request for Production of Documents No. 2, and OPC's First Request for Production of Documents No. 1, in the above-referenced docket. The original includes Attachment 1 and Attachment 2.

Also included is a computer diskette containing FPL's Notice of Intent to Request Confidential Classification, without Attachments, in Word format. In accord with Rule 25-22.006(3)(a), FPL requests confidential treatment of the materials submitted for filing in a separate, sealed folder marked "Attachment 2- CONFIDENTIAL INFORMATION" enclosed with this letter.

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GOL _____
- OPC _____
- RCA _____
- SCR _____
- SGA _____
- SEC _____

Please do not hesitate to contact me should you or your staff have any questions regarding this filing.

Sincerely,

for Bryan S. Anderson
Senior Attorney
Florida Authorized House Counsel No. 219511

OTH *copy* BSA:alc
records Enclosures

This docketed notice of intent was filed with Confidential Document No. 01457-08. The document has been placed in confidential storage pending timely receipt of a request for confidentiality.

DOCUMENT NUMBER-DATE

01456 FEB 27 08

FPSC-COMMISSION CLERK

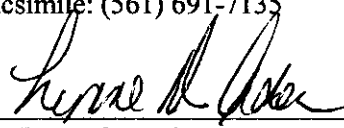
BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for authority to use deferral) Docket No. 070432-EI
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) Filed: February 27, 2008

**FLORIDA POWER & LIGHT COMPANY'S
NOTICE OF INTENT TO REQUEST CONFIDENTIAL CLASSIFICATION**

Pursuant to Florida Administrative Code Rule 25-22.006(3)(a), Florida Power & Light Company ("FPL") files this Notice of Intent to Request Confidential Classification ("Notice"). This Notice relates to Staff's Third Set of Interrogatories No. 14, Staff's Second Request for Production of Documents No. 2, and Office of Public Counsel's First Request for Production of Documents No. 1, which comprise Attachment 1 to this Notice, in which Staff requests copies of portions of contracts FPL has entered into with various vendors. This information is intended to be and has been treated by FPL as private and confidential and has not been publicly disclosed. A copy of FPL's confidential response to Staff's request is enclosed in the envelope labeled "**ATTACHMENT 2 CONFIDENTIAL INFORMATION.**" FPL, pursuant to Rule 25-22.006(3)(a) and (d), requests confidential handling of all materials furnished in response to the requests above-listed.

R. Wade Litchfield, Vice President and
Associate General Counsel
Bryan S. Anderson
Natalie F. Smith
Jessica Cano
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: (561) 691-7101
Facsimile: (561) 691-7135

By: 
fox Bryan S. Anderson
Fla. Authorized House
Counsel #219511

DOCUMENT NUMBER-DATE

01456 FEB 27 08


FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Intent to Request Confidential Classification has been furnished electronically and by United States Mail this 27th day of February, 2008, 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 West Madison Street
Room 812
Tallahassee, FL 32399-1400

By: 
Bryan S. Anderson
Fla. Authorized House
Counsel #219511

ATTACHMENT 1

DOCUMENT NUMBER-DATE

01456 FEB 27 8

FPSC-COMMISSION CLERK

BEFORE THE 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

DATED: JANUARY 17, 2008

STAFF'S THIRD SET OF INTERROGATORIES TO
FLORIDA POWER & LIGHT COMPANY (NOS. 14 - 25)

The Staff of the Florida Public Service Commission, by and through its undersigned attorney, propounds the following interrogatories, pursuant to Rule 1.340, Florida Rules of Civil Procedure, to FLORIDA POWER & LIGHT COMPANY (FPL). These interrogatories shall be answered under oath by you or your agent, who is qualified and who will be identified, with the answers being served as provided by the Rules of Civil Procedure. As provided by Rule 1.340(a), Florida Rules of Civil Procedure, each interrogatory shall be answered separately and fully in writing under oath unless it is objected to. Each answer shall be signed by the person making it.

Give the name, address, and relationship to FPL of those persons providing the answers to each of the following interrogatories.

If an interrogatory contained herein asks for information that has already been provided or is in the process of being provided to the Commission through a Commission audit, please so state, indicating the date provided and the audit document/record request number.

DEFINITIONS

“You”, “your”, “Company” or “FPL” refers to FLORIDA POWER & LIGHT COMPANY, its employees and authorized agents.

DOCUMENT NUMBER - DATE

01456 FEB 27 8

FPSC - COMMISSION CLERK

STAFF'S THIRD SET OF INTERROGATORIES TO FLORIDA POWER & LIGHT
COMPANY (NOS. 14 - 25)
DOCKET NO. 070432-EI
PAGE 2

“Document” refers to written matter of any kind, regardless of its form, and to information recorded on any storage medium, whether in electrical, optical or electromagnetic form, and capable of reduction to writing by the use of computer hardware and software.

“Identify” means:

- (a) With respect to a person, to state the person’s name, address and business relationship (e.g., “employee”) to the Company;
- (b) With respect to a document, to state the nature of the document in sufficient detail for identification in a request for production, its date, its author, and to identify its custodian. If the information or document identified is recorded in electrical, optical or electromagnetic form, identification includes a description of the computer hardware or software required to reduce it to readable form.

INTERROGATORIES

14. In order to secure its place in line for the Steam Turbine Generators (STG), Air Quality Control System (AQCS), and Engineering, Procurement and Construction (EPC) Agreements, did FPL attempt to negotiate the making of minimal deposits or down payments rather than execute contracts prior to the granting of a need determination by the Public Service Commission? If yes, please explain the results of those negotiations. If no, please explain why FPL did not attempt such negotiations.
15. Please provide the dates that the STG, AQCS and EPC contacts were signed.

STAFF'S THIRD SET OF INTERROGATORIES TO FLORIDA POWER & LIGHT
COMPANY (NOS. 14 - 25)
DOCKET NO. 070432-EI
PAGE 4

16. Did FPL attempt to include a regulatory out provision in its contracts in the event of a denial by the Public Service Commission, the Department of Environmental Protection or the Florida Cabinet? If yes, please explain the results of those negotiations. If no, please explain why FPL did not attempt to include such a provision.

17. Could another entity have purchased the STG contract from FPL and modified it for its own needs? If no, please explain why.

STAFF'S THIRD SET OF INTERROGATORIES TO FLORIDA POWER & LIGHT
COMPANY (NOS. 14 - 25)
DOCKET NO. 070432-EI
PAGE 5

18. Had any actual fabrication of the STG taken place as of June 5, 2007? If yes, please explain the extent of the fabrication.

19. If FPL had waited until after June 5, 2007, to sign the STG contract, how would the in-service dates of the units have been affected? Please provide a detailed explanation of the changes.

STAFF'S THIRD SET OF INTERROGATORIES TO FLORIDA POWER & LIGHT
COMPANY (NOS. 14 - 25)
DOCKET NO. 070432-EI
PAGE 6

20. If FPL had waited until after June 5, 2007, to sign the AQCS contract, how would the in-service dates of the units have been affected? Please provide a detailed explanation of the changes.

21. If FPL had waited until after June 5, 2007, to sign the EPC contract, how would the in-service dates of the units have been affected? Please provide a detailed explanation of the changes.

STAFF'S THIRD SET OF INTERROGATORIES TO FLORIDA POWER & LIGHT
COMPANY (NOS. 14 - 25)
DOCKET NO. 070432-EI
PAGE 7

22. Based on the total expected cost of the STG, AQCS and EPC contracts, what percentage did each termination fee represent for each contract?

23. Did FPL receive any discounts or other special compensation when it signed the STG, AQCS and EPC Contracts? If so, please explain how the discount or special compensation was calculated.

24. Which FPL executive/employee made the final decision to enter into the STG, AQCS and EPC contracts prior to the granting of a need determination by the Public Service Commission?
25. Were the FPL personnel involved in the negotiating and signing of the STG, AQCS and EPC contracts also knowledgeable about the need determination process and timeline? If yes, please provide a detailed explanation of the interaction and coordination between the two activities. If no, please provide the reason(s) why there was no interaction or coordination.

MARTHA C. BROWN
Senior Attorney
FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
(850) 413-6187

AFFIDAVIT

STATE OF FLORIDA)

COUNTY OF _____)

I hereby certify that on this _____ day of _____, 2008, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____, who is personally known to me, and he/she acknowledged before me that he/she provided the answers to interrogatory number(s) _____ from STAFF'S THIRD SET OF INTERROGATORIES TO FLORIDA POWER & LIGHT COMPANY (NOS. 14 - 25) in Docket No. 070432-EI, and that the responses are true and correct based on his/her personal knowledge.

In Witness Whereof, I have hereunto set my hand and seal in the State and County aforesaid as of this _____ day of _____, 2008.

Notary Public
State of Florida, at Large

My Commission Expires:

BEFORE THE 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

DATED: JANUARY 17, 2008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one correct copy of STAFF'S THIRD SET OF INTERROGATORIES TO FLORIDA POWER & LIGHT COMPANY (NOS. 14 - 25) has been served by electronic and U. S. mail to R. Wade Litchfield, 700 Universe Blvd., Juno Beach, FL 33408-0420 on behalf of FLORIDA POWER & LIGHT COMPANY and that a true copy thereof has been furnished to the following by U. S. mail this 17th day of January, 2008:

Natalie Smith
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1859

Charles Beck
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison St., Room 812
Tallahassee, FL 32399-1400

MARTHA C. BROWN
Senior Attorney
FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
(850) 413-6187

BEFORE THE 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

DATED: JANUARY 17, 2008

STAFF'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 2 - 6)

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, the Staff of the Florida Public Service Commission, by and through its undersigned attorney, hereby serves the following Request for Production of Documents upon FLORIDA POWER & LIGHT COMPANY (FPL).

Please produce the following documents at the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, no later than thirty days after service of this request for the purpose of inspection and copying.

DEFINITIONS

As used herein, the word "documents" shall mean the original and any non-identical copies of any writing or record, including but not limited to a book, pamphlet, periodical, letter, memorandum, telegram, report, study, interoffice or intraoffice, handwritten or other notes, working paper, draft, application, permit, chart, paper, graph, survey, index, tape, disc, data sheet or data processing card, computer printout, or any other written, recorded, transcribed, filed or graphic matter, however produced or reproduced.

DOCUMENTS REQUESTED

2. Provide a copy of any documentation that FPL relied upon to determine that it could not meet the 2013 and 2014 need (see FPL's response to Interrogatory No. 13, Staff's Second Set) if it had waited until after June 5, 2007, to execute its STG, AQCS and EPC Contracts/Agreements.

3. Provide a copy of any documentation, analyses or studies showing that executing the STG, AQCS and EPC contracts after June 5, 2007, would have increased their costs substantially (see FPL's response to Interrogatory No. 13, Staff's Second Set).

4. Provide a copy of any documentation, analyses or studies supporting FPL's contention that a high worldwide demand for pulverized coal power facilities created a condition where shop space and material allocations for equipment and services to be delivered when needed was rapidly selling out (see FPL's response to Interrogatory No. 13, Staff's Second Set).

5. Provide a copy of any documentation, analyses or studies showing how the in-service dates for the Glades Power Park would have been affected if the STG, AQCS and EPC contracts had not been signed until after June 5, 2007.

6. If FPL received any discounts or other special compensation when it signed the STG, AQCS and EPC contracts, provide a copy of any documentation that supports any claimed discount or special compensation received.

MARTHA C. BROWN
Senior Attorney
FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
(850) 413-6187

BEFORE THE 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

DATED: JANUARY 17, 2008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one correct copy of STAFF'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (NO. 2 - 6) has been served by electronic and U. S. mail to R. Wade Litchfield, 700 Universe Blvd., Juno Beach, FL 33408-0420, on behalf of FLORIDA POWER & LIGHT COMPANY and that a true copy thereof has been furnished to the following by U. S. mail this 17th day of January, 2008:

Natalie Smith
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1859

Charles Beck
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison St., Room 812
Tallahassee, FL 32399-1400

MARTHA C. BROWN
Senior Attorney
FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
(850) 413-6187

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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: August 10, 2007

**CITIZENS' FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS
TO FLORIDA POWER & LIGHT COMPANY (Nos. 1 - 4)**

Pursuant to § 350.0611(1), Fla. Stat. (2006), Fla. Admin. Code R. 28-106.206, and Fla. R. Civ. P.1.350, Florida's Citizens (Citizens or OPC) request Florida Power & Light Company (FP&L) to produce the following documents for inspection and copying at the Office of Public Counsel, Claude Pepper Building, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400, on or before Monday, September 10, 2007, or at such other time and place as may be mutually agreed upon by counsel. Although not required by the Florida Rules of Civil Procedure or the Commission's rules, OPC requests FP&L to provide the responses to these requests for production of documents in a searchable electronic format.

DEFINITIONS

1. The terms "document" or "documents" are meant to have the broadest possible meaning under applicable law and includes, but is not

necessarily limited to, any written, recorded, filmed or graphic matter, whether produced, reproduced, or on paper, e-mail, cards, tapes, film, electronic facsimile, computer storage device or any other media, including, but not limited to, memoranda, notes, minutes, records, photographs, correspondence, telegrams, diaries, bookkeeping entries, financial statements, tax returns, checks, check stubs, reports, studies, charts, graphs, statements, notebooks, handwritten notes, applications, agreements, books, pamphlets, periodicals, appointment calendars, records and recordings of oral conversations, work papers, and notes, any of which are in your possession, custody, or control.

2. The terms "FP&L" and "company" encompass Florida Power & Light Company, together with the officers, employees, consultants, agents, representatives, attorneys, and any other person or entity acting on behalf of Florida Power & Light Company.

3. As used herein the terms "you," "your," and "company" refer to FP&L, as defined in the previous paragraph, together with the officers, employees, consultants, agents, representatives, and attorneys of FP&L, as well as any other person or entity acting on behalf of FP&L.

INSTRUCTIONS

1. Please construe "and" as well as "or" either disjunctively or conjunctively as necessary to bring within the scope of this production of documents any document which might otherwise be construed to be outside the scope.

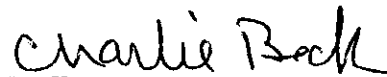
DOCUMENTS REQUESTED

1. Please provide copies of all contracts entered into by FPL or any of its affiliates for land and right of way options or purchases, site certification and permitting, major equipment, engineering, project management, procurement, and construction related to the FPL Glades Power Park (FGPP) project. This request includes but is not limited to all termination agreements related to any of the contracts.

2. Please provide each document in your possession, custody or control evaluating, or discussing the recovery of the unrecovered preconstruction costs for the FGPP plant never placed into utility service.

3. Please provide any documents in your possession, custody or control evaluating the options considered for recovery of the FGPP preconstruction costs.

4. Provide copies of the journal entries and primary or subsidiary ledgers, with descriptions for the entry and the account, that show whether any of the amounts requested have been recorded by FPL on its books.



Charlie Beck
Interim Public Counsel
Florida Bar no. 217281

Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street
Room 812
Tallahassee, FL 32399-1400

(850) 488-9330

Attorney for Florida's Citizens

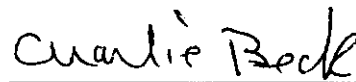
CERTIFICATE OF SERVICE
DOCKET NO. 070432-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Citizens' First Set of Interrogatories to Florida Power & Light Company (Nos. 1 - 4) has been furnished by electronic mail and by U. S. Mail to the following parties this 10th day of August, 2007

Mr. Bill Walker
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1859

Natalie Smith/R. Wade Litchfield
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420

Martha Brown
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850



Charlie Beck
Interim Public Counsel

STATE OF FLORIDA

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP



OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

CONFIDENTIAL

Public Service Commission

ACKNOWLEDGEMENT

DATE: February 27, 2008

TO: Bryan S. Anderson/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-EI or, if filed in an undocketed matter, concerning information included in response to staff's 3rd set of Interrogatories No. 14; 2nd request for PODs, No. 2; and OPC's 1st request for PODs, No. 1, and filed on behalf of Florida Power & Light Company. 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.

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850
An Affirmative Action/Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

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