

RECEIVED-FPSC
BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power
Cost Recovery Clause and Generating
Performance Incentive Factor

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COMMISSION
CLERK

Docket No. 080001-EI

Filed: March 3, 2008

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED
IN RESPONSE TO STAFF'S FIRST SET OF INTERROGATORIES (NOS. 1-20) AND
FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS (NOS. 1-10)**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain information provided in response to the Staff of the Florida Public Service Commission's ("Staff's") First Set of Interrogatories Nos. 7 and 8 and First Request for Production of Documents Nos. 3, 4 and 10. In support of its Request, FPL states as follows:

1. FPL served its answers to Staff's First Set of Interrogatories and documents responsive to Staff's First Request for Production of Documents Friday, February 29, 2008 for overnight delivery to Staff on March 3, 2008. This request is being filed contemporaneously with the delivery of the answers to Staff to request confidential classification of the confidential portions of FPL's responses to Staff's First Set of Interrogatories Nos. 7 and 8 and First Request for Production of Documents Nos. 3, 4 and 10 (the "Confidential Discovery Responses"),

CMP _____ consistent with Rule 25-22.006, Florida Administrative Code.

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

CTR _____ a. Composite Exhibit A consists of a copy of FPL's responses to

ECR _____
GCL 1 + Diskette Interrogatories Nos. 7 and 8 and Production of Documents Nos. 3, 4 and 10 on which all

OPC _____ information that FPL asserts is entitled to confidential treatment has been highlighted.

RCA _____
SCR _____ Composite Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

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b. Composite Exhibit B consists of an edited version of Exhibit A, on which all information in FPL's responses to Interrogatories Nos. 7 and 8 and Production of Documents Nos. 3, 4 and 10 that FPL asserts is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A, together with references to the specific statutory bases for the claim of confidentiality and to the affidavit in support of the requested classification.

d. Exhibit D consists of the affidavits of Kenneth L. Brockway, Manager of Coal Origination in the Energy Marketing and Trading Division and Delia Perez-Alonso, Manager of Purchased Power in the Resource Assessment and Planning Division.

3. FPL submits that the highlighted information in Exhibit A 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.

4. As the affidavits of Mr. Brockway and Mrs. Perez-Alonso indicate, the highlighted information is proprietary confidential business information within the meaning of Section 366.093(3) because it consists of certain information concerning bids or other contractual data of FPL, the disclosure of which would impair FPL's ability to contract for coal, coal-related services, and other services on favorable terms. This information is protected by

Section 366.093(3)(d). Additionally, the information provided relates to the competitive interests of FPL and the competitive interests of certain vendors from whom FPL purchases or has considered purchasing coal and coal related services. Such information is protected by Section 366.093(3)(e).

5. Upon a finding by the Commission that the information highlighted in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), the information 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. *See* § 366.093(4).

WHEREFORE, FPL respectfully requests confidential classification of the Confidential Discovery Response as described herein.

Respectfully submitted,

R. Wade Litchfield, Vice President and
Associate General Counsel
John T. Butler
Senior Attorney
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By: *Kerol M. Debi for JAC*
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 Request for Confidential Classification (*) has been furnished by overnight delivery (**) or U.S. Mail on the 29th day of February, 2008, to the following:

Lisa Bennett, Esq.**
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By: *Kerol M. DeLoe per SAC*
Jessica A. Cano

* The exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.

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

Public Service Commission

ACKNOWLEDGEMENT

CONFIDENTIAL

DATE: March 3, 2008

TO: Jessica Cano/Florida Power And Light

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 080001-EI or, if filed in an undocketed matter, concerning certain information provided in response to Staff's First Set of Interrogatories Nos. 7 and 8 and First Request for Production of Documents Nos. 3, 4 and 10, and filed on behalf of Florida Power And 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
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