



March 6, 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-FPSC
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COMMISSION
CLERK

**Re: Florida Power & Light Company's Request for
Confidential Classification
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 Request for Confidential Classification of information provided in 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 Exhibits A, B, C, and D. The seven (7) copies include Exhibit B only. Also included with this filing is a computer diskette containing FPL's Request for Confidential Classification and Exhibit C, in Word format.

Exhibit A consists of certain documents on which all information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit A is submitted for filing in a separate, sealed folder marked "EXHIBIT A - CONFIDENTIAL." This information was previously provided, without highlights, with FPL's Notice of Intent to Request Confidential Classification of documents provided in 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, filed February 27, 2008. The copy of the confidential information provided herewith is intended to replace the information previously provided with said Notice of Intent.

Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C consists of FPL's justification for its Request for Confidential Classification. Exhibit D consists of an affidavit in support of FPL's Request.

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

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL 1 ± Diskette
- OPC _____
- RCA _____
- SCR _____
- SGA _____
- SEC _____
- OTH 1 copy records

Sincerely,

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

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BSA:alc
Enclosures
an FPL Group company

**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)	
<u>Coal project, by Florida Power & Light Company</u>)	Filed: March 6, 2008

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

COMES NOW, BEFORE THIS COMMISSION, Florida Power & Light Company (“FPL”), by and through undersigned counsel, and pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093, Florida Statutes, hereby requests confidential classification of certain documents responsive to discovery requests of the Staff (“Staff”) of the Florida Public Service Commission and the Office of Public Counsel (“OPC”) served on FPL in this docket. In support of its request, FPL states as follows:

1. The confidential information is contained in documents responsive 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.

2. The following exhibits are included herewith and made a part hereof:

a. Exhibit A consists of all 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.” The confidential documents contained in this folder was previously provided, without highlights, with FPL’s Notice of Intent to Request Confidential Classification of

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documents provided in 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 an envelope labeled "ATTACHMENT 2 – CONFIDENTIAL INFORMATION." The copy of the confidential information provided herewith is intended to replace the information previously provided with said Notice of Intent.

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. Exhibit C is sometimes referred to hereinafter as the "Justification Table."

d. Exhibit D is the affidavit of Richard J. Blanchette in support of this request.

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. To the best of FPL's knowledge, the highlighted information 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 affidavit of Richard J. Blanchette indicates, the confidential information consists of proprietary, confidential business information of FPL. If publicly disclosed, this information would harm the efforts of FPL to contract for goods or services on favorable terms. This information is protected by Section 366.093(3)(d), Florida Statutes.

5. Upon a finding by the Commission that the material in Exhibit A for which FPL seeks confidential treatment is proprietary, confidential business information within the meaning of Section 366.093(3), pursuant to Section 366.093(4), such materials 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.

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavit included herewith, Florida Power & Light Company respectfully requests that its request for confidential classification be granted.

Respectfully submitted this 6th day of March, 2008.

R. Wade Litchfield, Vice President and
Associate General Counsel
Bryan S. Anderson
Natalie F. Smith
Jessica Cano
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Juno Beach, Florida 33408-0420
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By: 
wa

Bryan S. Anderson
Fla. Authorized House
Counsel #219511

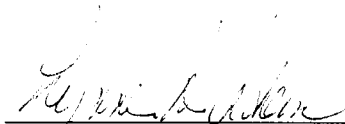
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Request for Confidential Classification has been furnished electronically and by United States Mail this 6th day of March, 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

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: March 6, 2008

TO: B Anderson/Florida Power & Light Co.

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 or, if filed in an undocketed matter, concerning documents responsive to discovery requests of 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. 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.

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