

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

May 7, 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 MAY - 8 PM 4:23
COMMISSION
CLERK

Re: Docket No. 080001-EI

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of FPL's Request for Confidential Classification of responses to Staff's April 4, 2008 Data Requests (Nos. 1 and 2), together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows XP, and the word processing software in which the document appears is Word 2003. Pursuant to Rule 25-22.006, F.A.C., I am enclosing one highlighted and two redacted copies of the confidential documents that is the subject of the confidentiality request.

Please note that Exhibit D, affidavit of Gerard J Yupp is a copy, an original will be provided under separate cover.

If there are any questions regarding this transmittal, please contact me at 561-304-5226.

- CMP
- COM
- CTR
- ECR
- OCL
- OFC
- RCA
- SCR
- SGA
- SEC
- OTH

1 + Diskette

Sincerely,

Terry J. Keith for
Jessica A. Cano

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

1 copy records

DOCUMENT NUMBER-DATE

03852 MAY-8 2

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power) DOCKET NO. 080001-EI
Cost Recovery Clause with Generating)
Performance Incentive Factor) Filed: May 8, 2008

**FLORIDA POWER & LIGHT COMPANY'S REQUEST
FOR CONFIDENTIAL CLASSIFICATION OF RESPONSES TO
STAFF'S APRIL 4, 2008 DATA REQUESTS (Nos. 1 and 2)**

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 connection with Staff's Data Requests Nos. 1 and 2 that were served on FPL by the Staff of the Florida Public Service Commission ("Staff") on April 4, 2008 ("DR 1 and 2"). In support of its request, FPL states as follows:

1. On April 4, 2008 Staff served data requests numbered 1-9 on FPL in order to gather further information on FPL's petition for approval of a volatility mitigation mechanism. The information in DR 1 and 2 is proprietary confidential business information. Accordingly, FPL filed a notice of intent to seek confidential classification of that information on April 18, 2008, contemporaneously with making the information available to Staff. Pursuant to Rule 25-22.006(3)(a), FPL has 21 days from the date of the notice of intent to file a formal request for confidential classification with respect to DR 1 and 2. This request for confidential classification is consistent with the Rule 25-22.006(3)(a).

2. The following exhibits are included with and made a part of this request:

a. Composite Exhibit A consists of a copy of FPL's responses to Data Request 1 and 2, on which all information that FPL asserts is entitled to confidential treatment has been highlighted. Composite Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

DOCUMENT NUMBER-DATE

03852 MAY-8 8

FPSC-COMMISSION CLERK

b. Composite Exhibit B consists of an edited version of Exhibit A on which all information in DR 1 and 2 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 is the affidavit of Gerard J. Yupp, who is the Senior Director Wholesale Operations in the Energy Marketing and Trading 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. To the best of FPL's knowledge, the highlighted information has not been publicly disclosed. Pursuant to section 366.093, 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.

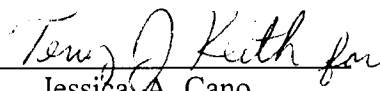
4. As the affidavit in Exhibit D indicates, the highlighted information is proprietary confidential business information within the meaning of Section 366.093(3)(a), Florida Statutes, because it comprises trade secrets of FPL, which allow FPL to purchase and sell fuel on favorable terms for FPL and its customers. The disclosure of this trade secret information would provide other participants in the fuel and electric power markets insight into FPL's marketing and trading decisions and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers.

5. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, is proprietary confidential business information, 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), Fla. Stat. (2007).

WHEREFORE, FPL respectfully requests confidential classification of the responses to DR 1 and 2 as described herein.

Respectfully submitted,

R. Wade Litchfield, Vice President and
Associate General Counsel
John T. Butler
Senior Attorney
Jessica Cano
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 Request for Confidential Classification of Information Provided Pursuant to Staff's Data Request Nos. 1 and 2 (*) has been furnished by overnight delivery (**) or U.S. Mail on the 7th day of May, 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

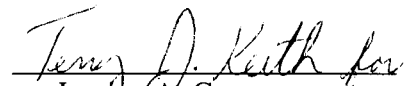
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Jessica A. Cano

* 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

DATE: May 8, 2008

TO: Jessica Cano, 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 080001 or, if filed in an undocketed matter, concerning responses to staff's 4/08 Data Requests (Nos. 1 and 2), 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.

DOCUMENT NUMBER-DATE
03853 MAY -8 08
FPSC-COMMISSION CLERK

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