



**John T. Butler**  
**Senior Attorney**  
**Florida Power & Light Company**  
**700 Universe Boulevard**  
**Juno Beach, FL 33408-0420**  
**(561) 304-5639**  
**(561) 691-7135 (Facsimile)**  
**E-mail: john\_butler@fpl.com**

May 29, 2008

**-VIA HAND DELIVERY -**

Ms. Ann Cole  
 Commission Clerk  
 Florida Public Service Commission  
 2540 Shumard Oak Blvd.  
 Tallahassee, FL 32399-0850

RECEIVED-FPSC  
 08 MAY 29 PM 3:30  
 COMMISSION  
 CLERK

**Re: Docket No. 080001-EI**  
**Audit control No. 08-003-4-2**  
**Fuel Cost Recovery 2007**

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's Request for Confidential Classification of Information Provided Pursuant to Audit No. 08-003-4-2, 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 is Word 2003. Pursuant to Rule 25-22.006, F.A.C., I am also enclosing one highlighted and two redacted copies of the confidential documents that are the subject of this request. Please note that the affidavit of Terry O. Jones that is enclosed as part of Exhibit D is a photocopy. We will forward you his original executed affidavit next week.

If there are any questions regarding this transmittal, please contact me at 561-304-5639.

Sincerely,

John T. Butler

Enclosure

cc: Counsel for parties of record (w/encl.)

1 copy  
 records

DOCUMENT NUMBER - DATE  
 04587 MAY 29 08  
 FPSC-COMMISSION CLERK

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

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

DOCKET NO. 080001-EI

FILED: May 29, 2008

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION  
PROVIDED PURSUANT TO AUDIT NO. 08-003-4-2**

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 to the Florida Public Service Commission (“FPSC” or “Commission”) staff (“Staff”) in connection with its audit of FPL’s 2007 Fuel Cost Recovery results (Audit Control No. 08-003-4-2; hereinafter the “FCR Audit”) in this docket. In support of its Request, FPL states as follows:

1. During the FCR Audit, Staff requested access to various FPL reports and other documents, portions of which became working papers of the auditors. By letter dated May 8, 2008, Staff indicated its intent to retain certain working papers for which confidential treatment previously had been requested (the “Working Papers”). Pursuant to Rule 25-22.006(3)(a), FPL was given 21 days from the date of that letter, or until May 29, 2008, to file a formal request for confidential classification with respect to the Working Papers. This Request is intended to request confidential classification of the confidential portions of the Working Papers consistent with Rule 25-22.006(3)(a).

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

DOCUMENT NUMBER-DATE

04587 MAY 29 8

FPSC-COMMISSION CLERK

a. Composite Exhibit A consists of copies of the Working Papers, 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."

b. Composite Exhibit B consists of an edited version of Exhibit A on which all information FPL asserts is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing a line-by-line and page-by-page identification of the information for which confidential classification 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.

d. Exhibit D is comprised of the affidavits of Robert A. Birch, Robert Onsgard, Osvaldo J. Lom, Terry J. Keith, Gerard J. Yupp, H. Antonio Cuba, Terry O. Jones, Alissa E. Ballot and Martin A. Garmendia.

3. FPL seeks confidential protection for the information highlighted in Exhibit A. The highlighted information is proprietary confidential business information within the meaning of Section 366.093(3). The information is intended to be, and has been, treated by FPL as confidential.

4. Pursuant to Section 366.093, the information highlighted in Exhibit A 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.

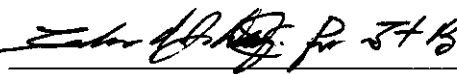
5. The statutory bases for FPL's assertion of confidentiality with regard to each document or portion thereof are set forth in Exhibit C under the column titled "FLORIDA STATUTE 366.093(3)." The letters in that column refer to the subsection(s) of Section 366.093(3) that provide justification for FPL's request. Further support for FPL's request for confidential classification of the referenced information is provided through the affidavits that are included as Exhibit D to this Request.

6. 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).

**WHEREFORE**, for the foregoing reasons, Florida Power & Light Company respectfully requests that this Request be granted.

Respectfully submitted,

R. Wade Litchfield, Esq.  
Associate General Counsel  
John T. Butler, Esq.  
Senior Attorney  
Law Department  
Florida Power & Light Company  
700 Universe Blvd.  
Juno Beach, Florida 33408-0420  
Telephone: 561-304-5639  
Fax: 561-691-7135

By:   
John T. Butler  
Fla. Bar No. 283479

**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 Audit No. 08-003-4-2 (\*) has been furnished by hand delivery (\*\*) or U.S. Mail on this 29<sup>th</sup> 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

John W. McWhirter, Jr., Esq.  
McWhirter Reeves  
Attorneys for FIPUG  
400 North Tampa Street, Suite 2450  
Tampa, Florida 33602

Norman H. Horton, Jr., Esq.  
Floyd R. Self, Esq.  
Messer, Caparello & Self  
Attorneys for FPUC  
P.O. Box 1876  
Tallahassee, Florida 32302-1876

Jeffrey A. Stone, Esq.  
Russell A. Badders, Esq.  
Beggs & Lane  
Attorneys for Gulf Power  
P.O. Box 12950  
Pensacola, Florida 32576-2950

Michael B. Twomey, Esq.  
Attorney for AARP  
Post Office Box 5256  
Tallahassee, Florida 32314-5256

James W. Brew  
Brickfield, Burchette, Ritts & Stone, P.C.  
1025 Thomas Jefferson Street, NW, Eighth, West Tower  
Washington, DC 20007-5201

By   
John T. Butler

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

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

STATE OF FLORIDA



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

**CONFIDENTIAL**

**Public Service Commission**

**ACKNOWLEDGEMENT**

**DATE:** May 29, 2008

**TO:** John T. Butler, 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 certain information provided to PSC Staff in connection with its audit of FPL's 2007 Fuel Cost Recovery Audit Control No. 08-003-4-2, 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.

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](mailto:contact@psc.state.fl.us)

DOCUMENT NUMBER - DATE  
04588 MAY 29 08  
FPSC-COMMISSION CLERK