



Florida Power & Light Company, 215 S. Monroe St., Suite 810, Tallahassee, FL 32301

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July 1, 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  
08 JUL - 1 AM 8:32  
COMMISSION  
CLERK

Re: Docket No. 070626-EI; In re: Review of Florida Power & Light Company's  
Sunshine Energy Program

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Amended Request for Confidential Classification. This filing amends FPL's Request for Confidential Classification filed on June 18, 2008 by requesting confidential classification for fewer portions of the Amended and Restated Trademark License and Services Agreement between FPL and Green Mountain Energy Company. The original includes Exhibits A, B, and C. The seven (7) copies include only Exhibits C.

Exhibit A contains the confidential information that is subject of FPL's Amended Request for Confidential Classification. Exhibit A is submitted for filing in a separate, sealed envelope marked "Exhibit A - CONFIDENTIAL." Exhibit B is an edited version of Exhibit A, in which the information Green Mountain Energy Company asserts is confidential has been blocked out. Exhibit C contains the statutory justification for the request for confidential classification. The Exhibit D filed on June 18, 2008 is incorporated herein by reference. Also included with this filing is a compact disk containing FPL's Request for Confidential Classification and Exhibit C in word processing format.

Please contact me if you or your Staff has any questions regarding this filing.

Sincerely,

*Jessica Cano*  
Jessica A. Cano

DOCUMENT NUMBER-DATE  
05682 JUL - 1 08  
FPSC-COMMISSION CLERK

1 conf records  
Enclosures

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Review of Florida Power & Light    )  
Company's Sunshine Energy Program        )

Docket No. 070626-EI  
Filed: July 1, 2008

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

NOW, BEFORE THIS COMMISSION, through undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to Rule 25-22.006 of the Florida Administrative Code and section 366.093 of the Florida Statutes, hereby amends its request for confidential classification filed June 18, 2008 by redacting fewer portions of Green Mountain Energy Company ("Green Mountain") material, pursuant to the Staff of the Florida Public Service Commission's ("Staff's") request. In support of its amended request, FPL states as follows:

1. On June 11, 2008, FPL provided to Staff its Amended and Restated Trademark License and Services Agreement with Green Mountain ("Amended Agreement") and a table comparing the current agreement and the Amended Agreement in un-redacted form, along with a Notice of Intent to Request Confidential Classification. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, at Green Mountain's request and based on the supporting affidavit submitted by Green Mountain, FPL filed a Request for Confidential Classification to maintain continued confidential handling of a few selected sections from those materials on June 18, 2008. Subsequent to that filing, and pursuant to Staff's request, Green Mountain agreed to maintain the confidentiality of even fewer portions of that Amended Agreement. Accordingly, FPL is filing this Amended Request to make public additional portions of the Amended Agreement.

DOCUMENT NUMBER-DATE

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

a. Exhibit A includes a copy the confidential documents, on which all information that is entitled to confidential treatment under Florida law has been highlighted. Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

b. All information for which confidential treatment is sought has been redacted in Exhibit B, which is an edited and publicly available version of the documents.

c. Exhibit C is a table containing the specific line and page references of the handful of selected items or sections of the materials for which confidential treatment is sought and, with regard to each document or discrete subsections thereof, references to the specific statutory basis or bases for the claim of confidentiality and to the Green Mountain affidavit in support of the requested classification.

d. The Exhibit D provided with FPL's June 18, 2008 filing, which includes the *affidavit of Paul Markovich*, is included herein by reference.

3. The information in Exhibit A is proprietary confidential business information within the meaning of section 366.093(3), Florida Statutes. As Mr. Markovich indicates in his affidavit, that information has not been publicly disclosed. Pursuant to section 366.093, as a matter of public policy not unique to Florida, 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 Mr. Markovich's affidavit included in Exhibit D indicates, the information includes contractual data, such as pricing and other terms. This information includes contractual data which Green Mountain is prohibited from disclosing pursuant to its contractual obligations with third parties. Such information is protected by section 366.093(3)(d), Florida Statutes. This information also involves the competitive interests of Green Mountain, and if disclosed could harm its competitive business, particularly with regard to its negotiations and contractual relationships with other parties for the provision of services in the renewable energy market. Such information is protected by section 366.093(3)(e), Florida Statutes.

5. Green Mountain has had no objection and continues to have no objection to the full disclosure of this information to the Florida Public Service Commission and its Staff, to allow them to fulfill their regulatory function; however, certain portions, if publicly disclosed, would harm the competitive business operations of Green Mountain as described above.

6. 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), Florida Statutes, such information should not be declassified for a period of at least eighteen (18) months. Additionally, the material provided should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business, pursuant to section 366.093(4), Florida Statutes.

**WHEREFORE**, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavits included herewith, Florida Power & Light Company respectfully requests that its Amended Request for Confidential Classification be granted.

Respectfully submitted,

R. Wade Litchfield, Vice President  
and Associate General Counsel  
Jessica A. Cano, Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
Tel: (561) 304-5226

By: Jessica Cano  
Jessica A. Cano  
Fla. Bar No. 0037372

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing, without attachments, has been furnished by hand delivery\* or U.S. mail this 1st day of July, 2008, to the following:

Katherine Fleming\*  
Senior Attorney  
Jean Hartman\*  
Senior Attorney  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

J. R. Kelly  
Office of the Public Counsel  
c/o The Florida Legislature  
Gerald L. Gunter Building  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400

By: Jessica Cano  
Jessica A. Cano  
Fla. Bar No. 0037372

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

STATE OF FLORIDA



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

## Public Service Commission

### ACKNOWLEDGEMENT

DATE: July 1, 2008

TO: Jessica A. Cano, Esquire/FPL

FROM: Marguerite H. McLean, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

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This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 070626-EI (DN 05683-08) or, if filed in an undocketed matter, concerning portions of Green Mountain material provided pursuant to staff's request., and filed on behalf of FPL. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite McLean, Deputy Clerk, at (850) 413-6770.

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