



John T. Butler
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July 1, 2008

-VIA HAND DELIVERY -

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

RECEIVED-FPSC
08 JUL - 1 PM 4: 11
COMMISSION
CLERK

Re: Docket No. 080000

080438

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 Certain Workpapers Prepared In Connection With "Review of Fuel Procurement Hedging Practices of Florida's Investor-Owned Utilities," 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. 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.

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

Sincerely,

Francie Red Smith
for John T. Butler

080000-0000
080000-0001
080000-0002
080000-0003
080000-0004
080000-0005
080000-0006
080000-0007
080000-0008
080000-0009
080000-0010

1 + Diskette

Enclosure

cc: Counsel for parties of record (w/out enclosures)

DOCUMENT NUMBER-DATE

05705 JUL -1 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. 080000

FILED: July 1, 2008

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF CERTAIN WORKPAPERS
PREPARED IN CONNECTION WITH "REVIEW OF FUEL PROCUREMENT
HEDGING PRACTICES OF FLORIDA'S INVESTOR-OWNED UTILITIES"**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(3), Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain information in work papers prepared by the Florida Public Service Commission ("FPSC" or "Commission") staff ("Staff") in connection its "Review of Fuel Procurement Hedging Practices of Florida's Investor-Owned Electric Utilities," No. PA-07-11-007 (the "Hedging Review Workpapers") in this docket. In support of its Request, FPL states as follows:

1. Staff has provided FPL access to the Hedging Review Workpapers and requested that FPL file a formal request for confidential classification with respect. This Request is intended to request confidential classification of the confidential portions of the Hedging Review Workpapers consistent with Rule 25-22.006(3)(a).

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

a. Exhibit A consists of a copy of the Hedging Review Workpapers, on which all information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

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

DOCUMENT NUMBER-DATE

1

05705 JUL -1 8

FPSC-COMMISSION CLERK

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 affidavit of Gerard J. Yupp.

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 affidavit that is included as Exhibit D to this Request.

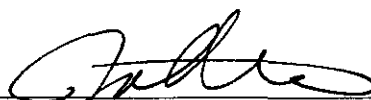
6. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, is proprietary confidential business information, the information should not be declassified for a period of at least eighteen (18) months and should be returned to

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, FPL 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: 561-5639
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 Certain Workpapers Prepared in Connection with "Review of Fuel Procurement Hedging Practices of Florida's Investor-Owned Electric Utilities" (*) has been furnished by hand delivery (**) or U.S. Mail on this 1st day of July 2008, to the following:

Lisa Bennett, Esq.* *
Division of Legal Services
Florida Public Service Commission
2540 Shamed Oak Blvd.
Tallahassee, Florida 32399-0850

J. R. Kelly, Esq.
Steve Burgess, Esq.
Office of Public Counsel
c/o The Florida Legislature
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Tallahassee, Florida 32399

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Attorneys for Tampa Electric
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Tallahassee, Florida 32302

John T. Burnett, Esq.
Progress Energy Service Company, LLC
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St. Petersburg, Florida 33733-4042

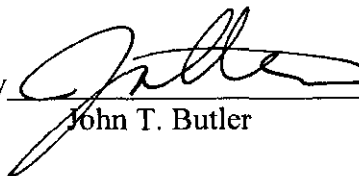
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Washington, DC 20007-5201

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

Public Service Commission

ACKNOWLEDGEMENT

DATE: July 1, 2008

TO: John T. Butler, Esquire/FPL

FROM: Marguerite H. McLean, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 080000-OT (DN 05706-08) or, if filed in an undocketed matter, concerning hedging review workpapers (No. PA-07-11-007), 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.