

John T. Butler
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Florida Power & Light Company
700 Universe Boulevard
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July 3, 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 JUL -7 PM 2:43
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 Florida Power and Light Company's (FPL's) Request for Confidential Classification of certain information provided in response to Mid-Course Correction Data Request No. 16 and 19, 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.

I am enclosing one highlighted and two redacted copies of the confidential documents that is the subject of the confidentiality request.

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

CTR _____
SUP _____
CDL _____ If there are any questions regarding this transmittal, please contact me at 561-304-5226.
CPC _____
FOA _____
COR _____
SCA _____
SED _____

Sincerely,

Jamario Rodriguez for JTB
John T. Butler

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

DOCUMENT NUMBER-DATE

05811 JUL-7 8

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

Date: July 7, 2008

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED
PURSUANT TO MID-COURSE CORRECTION DATA REQUEST NOS. 16 AND 19**

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 Mid-Course Correction data request numbers 16 and 19, that were served on FPL by Staff on June 11, 2008 ("DR. 16 and 19"). In support of its Request, FPL states as follows:

1. On June 11, 2008, Staff served Mid-Course Correction data requests numbered 1-19, in order to gather information on FPL's Mid-Course Correction petition filing. FPL considers information in DR 16 and 19 to be proprietary confidential business information. FPL filed a notice of intent to seek confidential classification of that information on June 16, 2008, contemporaneously 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. Accordingly, FPL is hereby requesting confidential classification of the information provided in DR 16 and 19.

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

a. Composite Exhibit A consists of copies of DR 16 and 19, 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

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b. Composite Exhibit B consists of an edited version of Exhibit A, on which all information in DR 16 and 19 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 of wholesale operations in the Energy Marketing and Trading Division.

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), Florida Statutes. The information is intended to be, and has been, treated by FPL as confidential.

4. Pursuant the 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. As the affidavit provided in Exhibit D indicates, the information contained in FPL's responses to DR 16 and 19 include information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for good and services on favorable terms to the detriment of FPL and its customers. This information is protected by section 366.093(3)(d), Florida Statutes. This information is also related to competitive interests,

and its disclosure would impair the competitive business of FPL. Such information is protected by section 366.093(3)(e), Florida Statutes.

6. Upon a finding by the Commission that the information highlighted in Exhibit A and referenced in Exhibit C is proprietary confidential business information within the meaning of section 366.093(3), Florida Statutes, 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), Florida Statutes.

WHEREFORE, FPL respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

R. Wade Litchfield, Esq.
Vice President and Associate General Counsel
John T. Butler, Esquire
Senior Attorney
Florida Power & Light Company
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Juno Beach, FL 33408-0420
Telephone: (561) 304-5639
Facsimile: (561) 691-7135

By: Damaris Rodriguez for JTB
John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification (*) has been furnished by overnight delivery (**) or U.S. Mail on the 3rd day of July, 2008, to the following:

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

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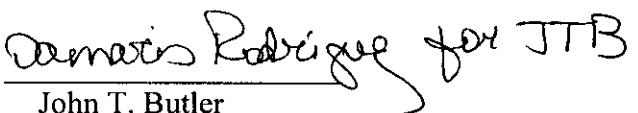
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Florida Retail Federation
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Tallahassee, FL 32301

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.

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: July 7, 2008

TO: John 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 Mid-course correction data request numbers for 16 and 19, 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
05812 JUL-7 08
FPSC-COMMISSION CLERK

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