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August 6, 2008

**-VIA OVERNIGHT DELIVERY-**

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

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 COMMISSION  
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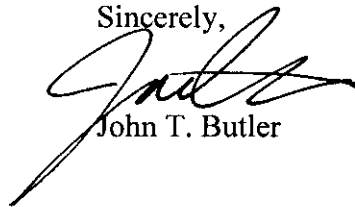
**Re: Docket No. 080438-EI**

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's Supplemental Request for Confidential Classification of Certain Workpapers Prepared In Connection With "Review of Fuel Procurement Hedging Practices of Florida's Investor-Owned Utilities" ("Request"). Also enclosed is an electronic version of the Request and Exhibit C. 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.,

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

Sincerely,



John T. Butler

COM \_\_\_\_\_  
 ECR \_\_\_\_\_  
 GCL 1 + CD  
 OPC \_\_\_\_\_ Enclosure  
 RCP \_\_\_\_\_ cc: Counsel for parties of record  
 SSC \_\_\_\_\_  
 SGA \_\_\_\_\_  
 ADM \_\_\_\_\_  
 CLK 1

DOCUMENT NUMBER-DATE

06953 AUG-7 8

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

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

DOCKET NO. 080438-EI

FILED: August 7, 2008

**SUPPLEMENTAL 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”) hereby files this supplemental revised request for confidential classification of certain information in work papers prepared by the Commission 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 support of its Supplemental Request, FPL states as follows:

1. Staff has provided FPL access to the Hedging Review Workpapers and requested that FPL to file a formal request for confidential classification with respect. On July 1, 2008, FPL filed a Request for Confidential Classification of Certain Workpapers Prepared in Connection with “Review of Fuel Procurement Hedging Practices of Florida’s Investor-Owned Electric Utilities” (the “July 1 Request”) that was intended to request confidential classification of the confidential portions of the Hedging Review Workpapers consistent with Rule 25-22.006(3)(a). However, the listing of confidential documents in Exhibit C to the July 1 Request did not identify FPL’s responses to Staff’s Data Requests DR-01, DR-02 or DR-03 as being among the Hedging Review Workpapers for which FPL sought confidential classification. FPL is filing this Supplemental Request to clarify that it seeks confidential classification for its responses to DR-01, DR-02 and DR-03 as well.

DOCUMENT NUMBER-DATE

06953 AUG-7 08

FPSC-COMMISSION CLERK

2. FPL's responses to DR-01, DR-02 and DR-03 are voluminous (more than 3,000 pages), they are already in the possession of the Commission's Audit Staff, and FPL is claiming confidentiality for the great majority of the content in the responses. FPL understands that Audit Staff will transfer to the Commission Clerk's office its copy of the responses to DR-01, DR-02 and DR-03 upon the filing of this Supplemental Request. It would be burdensome on both FPL and the Clerk's office, and would serve no useful purpose, for FPL to file highlighted copies of the responses DR-01, DR-02 and DR-03 as Exhibit A or redacted copies of the responses as Exhibit B. Accordingly, FPL is not including an Exhibit A or Exhibit B with this Supplemental Request. The following exhibits are included with and made a part of this Supplemental Request:

a. Exhibit C is a table containing an 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 affidavit in support of the requested classification.

b. Exhibit D is the affidavit of Gerard J. Yupp.

3. FPL seeks confidential protection for the information identified as confidential on Exhibit C. 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 identified as confidential on Exhibit C 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.

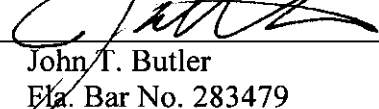
5. The statutory bases for FPL's assertion of confidentiality with regard to each document or portion thereof are set forth in Exhibit C under the column titled "FLORIDA STATUTE 366.093(3)." The letters in that column refer to the subsection(s) of Section 366.093(3) that provide justification for FPL's 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 identified as confidential on 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 Supplemental Request be granted.

Respectfully submitted,

R. Wade Litchfield, Esq.  
Vice President and General Counsel  
John T. Butler, Esq.  
Senior Attorney  
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. 080438-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Supplemental 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 overnight mail (\*\*) or U.S. Mail on this 6<sup>th</sup> day of August 2008, to the following:

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Division of Legal Services  
Florida Public Service Commission  
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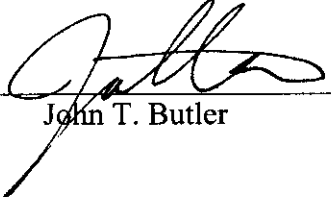
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PCS Administration (USA), Inc.  
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Northbrook, IL 60062

By   
John T. Butler

## EXHIBIT C

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Work Papers  
**AUDIT PURPOSE:** Electric IOU Hedging Procurement Review  
**DOCKET NO.:** 080438-EI

Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
<b>DR - 01</b>					
Request No.1	11	N			
Request No.2	1	Y	ALL	(d)	G.Yupp
Request No.3	1	Y	ALL	(d)	G.Yupp
Request No.4	1	Y	ALL	(d)	G.Yupp
Request No.5	1	Y	ALL	(d)	G.Yupp
Request No.6	1	Y	ALL	(d)	G.Yupp
Request No.7	40	Y	ALL	(d)	G.Yupp
Request No.8	71	Y	ALL	(d)	G.Yupp
Request No.9	2	Y	ALL	(d)	G.Yupp
Request No.10	2	Y	ALL	(d)	G.Yupp
Request No.10/A-1	7	Y	ALL	(d)	G.Yupp
Request No.10/A-2	7	Y	ALL	(d)	G.Yupp
Request No.10/A-3	9	Y	ALL	(d)	G.Yupp
Request No.10/B-1	5	Y	ALL	(d)	G.Yupp
Request No.10/B-2	6	Y	ALL	(d)	G.Yupp
Request No.10/B-3	6	Y	ALL	(d)	G.Yupp
Request No.10/C-1	40	Y	ALL	(d)	G.Yupp
Request No.10/C-2	42	Y	ALL	(d)	G.Yupp
Request No.10/C-3	40	Y	ALL	(d)	G.Yupp
Request No.10/D-1	7	Y	ALL	(d)	G.Yupp
Request No.10/D-2	6	Y	ALL	(d)	G.Yupp
Request No.11	13	Y	ALL	(d)	G.Yupp
Request No.12	1448	Y	ALL	(d)	G.Yupp
Request No.13	1	Y	Pg. 1 Lns. 7, 9-10, 14-15	(d)	G.Yupp
Request No.14	1	N			
<b>DR- 02</b>					
Request No.1	2	Y N	Pg. 1, Lns. 21-22 Pg. 2	(d)	G.Yupp
Request No.2	1	N			
Request No.3	1	Y	Pg. 1, Lns. 16, 20, 24	(d)	G.Yupp
Request No.4	1	Y	Pg. 1, Cols. A-C, E-G	(d)	G.Yupp
Request No.5	2	Y N	Pg. 1, Cols. A-E, Pg. 2	(d)	G.Yupp
Request No.6	3	Y	Pg. 1, Lns. 17-23, Pg. 2, Lns. 5-11, Attachment I, 4 Pgs. ALL	(d)	G.Yupp
Request No.7	1	N			
Request No.8	1	N			

Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
		Y	Attachment I, Pg. 1, All	(d)	G.Yupp
Request No.9	1	N			
Request No.10	1	Y	Pg. 1, Lns. 13-14,16	(d)	G.Yupp
Request No.11	1	Y	Pg. 1, Lns. 10	(d)	G.Yupp
Request No.12	1	Y	Pg. 1, Col. B	(d)	G.Yupp
Request No.13	1	Y	Pg. 1, ALL	(d)	G.Yupp
Request No.14	1393	Y	ALL	(d)	G.Yupp
Request No.15	2	Y	Pg. 1, Lns. 11-12 Attachment I, Pg. 1, ALL	(d)	G.Yupp
Request No.16	1	Y	Pg. 1, Lns. 13-14, 16-17, 20-27	(d)	G.Yupp
Request No.17	1	N			
Request No.18	220	N			
<b>DR- 03</b>					
Request No.1	2	Y	Pg. 1, Cols. A-E Pg. 2, Cols. A-E	(d)	G.Yupp
Request No.2	2	Y	Pg. 1, Cols. A-E Pg. 2, Cols. A-E	(d)	G.Yupp



**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

Request for Confidential Classification )  
of Portion of Review of Fuel ) DOCKET NO. 080438-EI  
Procurement Hedging Practices )  
Of Florida's Investor- Owned )  
Electric Utilities, by FPL )

STATE OF FLORIDA )  
 ) **AFFIDAVIT OF GERARD J. YUPP**  
PALM BEACH COUNTY )

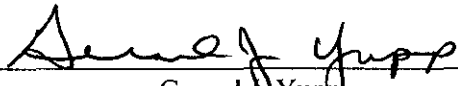
**BEFORE ME**, the undersigned authority, personally appeared Gerard J. Yupp who, being first duly sworn, deposes and says:

1. My name is Gerard J. Yupp. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director of Wholesale Operations in the Energy Marketing and Trading Division. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the documents that are identified as proprietary confidential business information on Exhibit C to FPL's Supplemental Request for Confidential Classification of Certain Workpapers Prepared in Connection with "Review of Fuel Procurement Hedging Practices of Florida's Investor-Owned Electric Utilities." Those documents contain or constitute contractual data the disclosure of which would impair the efforts of FPL to contract for gas and oil procurement on favorable terms for the benefit of its customers and would impair the competitive interests of FPL and its vendors. Certain of the information would also place FPL at a disadvantage when coupled with other information that is publicly available. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.

  
\_\_\_\_\_  
Gerard J. Yupp

**SWORN TO AND SUBSCRIBED** before me this 26th day of August 2008, by Gerard J. Yupp, who is personally known to me or who has produced personally known (type of identification) as identification and who did take an oath.

  
\_\_\_\_\_  
Notary Public, State of Florida

