

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power )  
cost recovery clause with generating )  
performance incentive factor )

Docket No. 080001-EI

Filed: September 2, 2008

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COMMISSION  
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**FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED IN EXHIBIT GJY-4 AND SHORT TERM CAPACITY PAYMENT INFORMATION PROVIDED IN SCHEDULE E12**

Pursuant to Section 366.093 of the Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain information on FPL's 2009 Risk Management Plan Report contained in Exhibit GJY-4 of Appendix I to the prepared testimony of FPL witness G. Yupp as well as certain information on short term capacity payments contained in Schedule E12 of Appendix III to the prepared testimony of FPL witness K.M. Dubin (the "Confidential Information"). In support of its Request, FPL states as follows:

1. This Request is intended to request confidential classification of the Confidential Information consistent with Rule 25-22.006.
2. The following exhibits are included with this Request:
  - a. Composite Exhibit A consists of copies of Exhibit GJY-4 and Schedule E12 in which all of the confidential information has been highlighted. Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."
  - b. Composite Exhibit B consists of two copies each of Exhibit GJY-4 and

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Schedule E12 in which all of the Confidential Information has been redacted (for the attachments 2+ Diskette in Exhibit GJY-4 in which the entire document is confidential, FPL has included only identifying cover pages in Exhibit B).

DOCUMENT NUMBER+DATE

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c. Exhibit C is a table containing an identification of the Confidential Information, 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.

3. FPL seeks confidential protection for the highlighted information contained in Exhibit GJY-4, which is FPL's 2009 Risk Management Report, because it comprises trade secrets of FPL, which allow FPL to purchase and sell fuel and electric power on favorable terms for FPL and its customers. The disclosure of that trade-secret information would provide other participants in the fuel and electric power markets insight into FPL's marketing and trading practices as well as internal policy and procedures that would allow them to anticipate FPL's marketing and trading decisions and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers. *See* § 366.093(3)(a), Fla. Stat (2008). Additionally, the information contained in Exhibit GJY-4 includes information related to 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. *See* § 366.093(3)(d), Fla. Stat. This information is also related to competitive interests, and its disclosure would impair the competitive business of FPL. *See* § 366.093(3)(e), Fla. Stat.

4. FPL seeks confidential protection for short term capacity information contained in Schedule E12. That information is confidential because it relates to pricing for short-term capacity purchases, the disclosure of which would impair FPL's ability to contract for capacity on favorable terms, *see* § 366.093(3)(d), Fla. Stat; and because it relates to competitive interests of FPL and of suppliers from whom FPL purchases capacity, the disclosure of which would impair their competitive businesses, *see* § 366.093(3)(e), Fla. Stat.

5. FPL submits that the Confidential Information is proprietary confidential business information within the meaning of Section 366.093(3). Pursuant to Section 366.093, such information is entitled to confidential treatment and is exempt from disclosure provisions of the public records law.

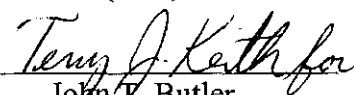
6. The Confidential Information is intended to be and is treated by FPL as private, and its confidentiality has been maintained.

7. Upon a finding by the Commission that the Confidential Information is proprietary confidential business information within the Section 366.093(3), pursuant to Section 366.093(4) such information should not be declassified for 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.

**WHEREFORE**, FPL respectfully requests confidential classification of the Confidential Information contained in Exhibit GJY-4 and Schedule E12.

Respectfully submitted,

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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 has been furnished by hand delivery (\*) or United States mail this 2<sup>nd</sup> day of September, 2008, to the following:

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STATE OF FLORIDA



OFFICE OF COMMISSION CLERK  
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**Public Service Commission**

**ACKNOWLEDGEMENT**

**DATE:** September 2, 2008

**TO:** John T. Butler/Florida Power & Light Company

**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 080001-EI (DN 08034-08) or, if filed in an undocketed matter, concerning information provided in Exh GJY-4 and short term capacity payment information provided in Schedule E12, 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.**