



John T. Butler
 Senior Attorney
 Florida Power & Light Company
 700 Universe Boulevard
 Juno Beach, FL 33408-0420
 (561) 304-5639
 (561) 691-7135 (Facsimile)
 E-mail: john_butler@fpl.com

October 21, 2008

-VIA HAND DELIVERY-

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

RECEIVED-FPSC
 08 OCT 21 PM 12: 57
 COMMISSION
 CLERK

Re: Docket No. 080001-EI

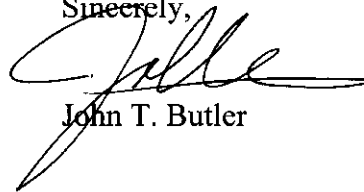
Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's Request for Confidential Classification of Certain Information Provided Pursuant to Audit Control No. 08-221-4-2 ("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.

Enclosed in a separate envelope marked "confidential" are the confidential documents to which the Notice of Intent to Seek Confidential Classification relates. I ask that you handle these documents in accordance with the Clerk's Office procedures for designated confidential materials.

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 _____
- RCP _____
- SSC _____
- SGA _____
- ADM _____
- CLK 1

Enclosure
 cc: Counsel for parties of record

DOCUMENT NUMBER-DATE

10023 OCT 21 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. 080001-EI

FILED: October 21, 2008

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION
PROVIDED PURSUANT TO AUDIT NO. 08-221-4-2**

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 to the Florida Public Service Commission ("FPSC" or "Commission") staff ("Staff") in connection with its audit of FPL's Hedging transactions for January through July, 2008 (Audit Control No. 08-221-4-2; hereinafter the "2008 Hedging Audit") in this docket. In support of its Request, FPL states as follows:

1. During the 2008 Hedging Audit, Staff requested access to various FPL reports and other documents, portions of which became working papers of the auditors. By letter dated September 30, 2008, Staff indicated its intent to retain certain working papers for which confidential treatment previously had been requested (the "Working Papers"). Pursuant to Rule 25-22.006(3)(a), FPL was given 21 days from the date of that letter, or until October 21, 2008, to file a formal request for confidential classification with respect to the Working Papers. This Request is intended to request confidential classification of the confidential portions of the Working Papers consistent with Rule 25-22.006(3)(a).

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

a. Composite Exhibit A consists of copies of the Working Papers, 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

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

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 affidavits that are included as Exhibit D to this Request.

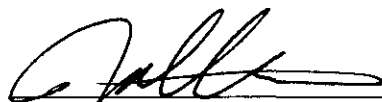
6. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, is proprietary confidential business information, the information should not be declassified for a period of at least eighteen (18) months and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business. *See* § 366.093(4).

WHEREFORE, for the foregoing reasons, Florida Power & Light Company 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: 561-304-5639
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 Information Provided Pursuant to Audit No. 08-221-4-2 (*) has been furnished by hand delivery (**) or U.S. Mail on this 21st day of October, 2008, to the following:

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

J. R. Kelly, Esq.
Steve Burgess, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399

Lee L. Willis, Esq.
James D. Beasley, Esq.
Ausley & McMullen
Attorneys for Tampa Electric
P.O. Box 391
Tallahassee, Florida 32302

John T. Burnett, Esq.
Progress Energy Service Company, LLC
P.O. Box 14042
St. Petersburg, Florida 33733-4042

John W. McWhirter, Jr., Esq.
McWhirter Reeves
Attorneys for FIPUG
P.O. Box 3350
Tampa, Florida 33601

Norman H. Horton, Jr., Esq.
Floyd R. Self, Esq.
Messer, Caparello & Self
Attorneys for FPUC
P.O. Box 1876
Tallahassee, Florida 32302-1876

Jeffrey A. Stone, Esq.
Russell A. Badders, Esq.
Beggs & Lane
Attorneys for Gulf Power
P.O. Box 12950
Pensacola, Florida 32576-2950

Michael B. Twomey, Esq.
Attorney for AARP
Post Office Box 5256
Tallahassee, Florida 32314-5256

Office of Attorney General
Cecilia Bradley
Capitol-PL 01
Tallahassee, FL 32399-1050

James W. Brew
Brickfield, Burchette, Ritts & Stone, The P.C.
1025 Thomas Jefferson Street, NW
Eight Floor, West Tower
Washington, DC 2007-5201

R Scheffel Wright/ John Lavia
Florida Retail Federation
225 South Adams Street # 200
Tallahassee, FL 32301

Shayla L. McNeill, Capt. USAF
Karen S. White
AFLSA/JACL-ULT
Atty for the Federal Executive Agencies
139 Barnes Drive, Suite 1
Tyndall AFB, FL 32403-5319

By: 

John T. Butler
Fla. Bar No. 283479

* The exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.

Exhibit C

Justification Table

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Work Papers
AUDIT: FPL, Hedging Audit
AUDIT CONTROL NO: 08-221-4-2
DOCKET NO. 080001- EI
PERIOD: JANUARY 2008- JULY 2008

Work paper No.	Description	No. of Pages	Conf Y/N	Line No./Col No.	Florida Statute 366.093(3) Subsection	Affiant
1	Findings	3	Y N Y	P.g 4, Lns. 4, 7, 11 Pg. 5 Pg. 6, Lns. 3, 7, 11	(e)	G. Yupp
1- Annotated	Findings	3	Y N Y	Pg. 4, Lns. 4, 7, 11 Pg. 5 Pg. 6, Lns. 3, 7, 11	(e)	G. Yupp
3	Representation Letter	1	Y	Pg. 1, Lns. 11, 12, 15	(d)	G. Yupp
43 page 2	Summary of Gains/Losses	1	Y	Pg. 1, Cols. A-C	(d), (e)	G. Yupp
43 page 3	Summary of Gas Gains/Losses	1	Y	Pg. 1, Cols. A-D, Ln. 1	(d), (e)	G. Yupp
43 page 4	Summary of OTC Gains/Losses	1	Y	Pg. 1, Lns. 3-5	(d), (e)	G. Yupp
43 page 5	Summary of July Swings	1	Y	Pg. 1, Cols. A-B	(d), (e)	G. Yupp
43 page 6	Explanations of Swing Swaps	1	N			
43-1 p. 1	Gains/ Losses- Natural Gas	1	Y	Pg. 1, Cols. C-F	(e)	G. Yupp
43-1/1	FPL Natural Gas Procurement	7	Y	Pg.s 1-7, Cols. C-F	(e)	G. Yupp
43-1/1-1	FPL Derivative Settlements- All	15	Y	Pgs. 1-15, ALL	(d)	G. Yupp
43-2	FPL Heavy Fuel Oil Procurement Jan. - July	1	Y	Pg. 1, Cols. C-F	(e)	G. Yupp
43-2/1	FPL Heavy Fuel Oil Procurement	7	Y	Pgs. 1-7, Cols. C-F	(e)	G. Yupp
43-2/1-1	FPL Derivative Settlements- All Instruments	23	Y N	Pgs. 1-22, ALL Pg. 23	(d)	G. Yupp
43-2/2	FPL Derivative	1	Y	Pg. 1, ALL	(d)	G. Yupp

Work paper No.	Description	No. of Pages	Conf Y/N	Line No./Col No.	Florida Statute 366.093(3) Subsection	Affiant
	Settlements- All (Samples)					
43-2/2-1	Index Values	1	N	Pg. 1		
43-2/2-1/1	Publication Price Printouts	3	Y N	Pg. 1, Ln. 11 Pg. 2-3	(d)	G. Yupp
44	Summary	1	Y	Pg. 1, Lns. 3, 15, 21	(e)	G. Yupp
44-1 p. 1	Incremental Recap	1	N	Pg. 1		
44-1 p. 2	Incremental Costs	1	N	Pg. 1		
44-1/1	Acct 926.226	2	Y	Pgs. 1-2, Col. A	(e)	G. Yupp
44-1/1-1	Payroll	1	N	Pg. 1		
44-1/1-2	Payroll	4	N			
44-1/1-3	Acct 926.226	4	Y	Pg. 1, Col. A Pg. 2, Cols. A-D Pg. 3, Cols. A-B Pg. 4, Cols. A-B	(e)	G. Yupp
44-1/1-4	Acct 926.226	3	Y	Pg. 1, Col. A Pg. 2, Cols. A-B Pg. 3, Cols. A-B	(d), (e)	G. Yupp
44-1/2	Acct 501.115- jv	3	Y	Pgs. 1-3, Col. A	(d), (e)	G. Yupp
44-1/2-1 p. 1, 2	Sample items	2	Y	Pg. 1, Lns. 1-6, 9, 11, 13-16, 21 Pg. 2, Lns. 5-8, 10, 17, 19, 20, 22, 23, 25	(d), (e)	G. Yupp
44-1/2-1 p. 3	Sample items	1	Y	Pg. 1, Lns. 1-3, 5-6	(d), (e)	G. Yupp
44-1/2-1 p. 4	Sample items	1	N	Pg. 1		
44-1/2-1 p. 5	Sample items	1	Y	Pg. 1, Col. A	(e)	G. Yupp
44-1/2-1/1	Sample items	1	Y	Pg. 1, Cols. A-C	(e)	G. Yupp
44-1/2-1/1-1	Sample items	3	Y N	Pgs. 1, Ln. 11 Pgs. 2-3	(e)	G. Yupp
44-1/2-1/2	Sample items	1	Y	Pg. 1, Col. A	(e)	G. Yupp
44-1/2-1/3	Sample items	1	N	Pg. 1		
44-1/2-1/3-1	Sample items	3	N	Pgs. 1-3		
44-1/2-1/4	Sample items	1	Y	Pg. 1, Col. A	(e)	G. Yupp
44-1/2-1/5	Sample items	3	Y Y N	Pg. 1, Lns. 1-2, 17-21 Pg. 2, Lns. 1-5 Pg. 3	(d)	G. Yupp
44-1/2-1/7	Sample items	1	Y	Pg. 1, Lns. 2-3, 16-22	(e)	G. Yupp
44-1/2-1/8	Sample items	1	Y	Pg. 1, Lns. 1-18	(e)	G. Yupp
44-1/2-1/9	Sample items	1	Y	Pg. 1, Lns. 1-18	(d), (e)	G. Yupp

Work paper No.	Description	No. of Pages	Conf Y/N	Line No./Col No.	Florida Statute 366.093(3) Subsection	Affiant
44-1/2-1/10	Sample items	2	Y	Pg. 1-2, Cols. A-G	(d), (e)	G. Yupp
44-1/2-1/11	Sample items	3	Y	Pg. 1, Cols. A-C Pg. 2, Cols. A-D Pg. 3, Cols. A-D	(d), (e)	G. Yupp
44-1/2-1/12	Sample items	1	Y	Pg. 1, Cols. A-B	(d), (e)	G. Yupp
44-1/2-1/13	Sample items	1	Y	Pg. 1, Lns. 1-3	(d), (e)	G. Yupp
44-1/2-1/14	Sample items	1	Y	Pg. 1, Lns. 1-6	(d), (e)	G. Yupp
44-1/3	Acct 501.115- cv	3	Y N	Pgs. 1-2, Col. A Pg. 3	(d), (e)	G. Yupp
44-1/4	Acct 501.115- pr	5	Y Y Y Y N	Pg. 1, Cols. A-C Pg. 2, Cols. A-C Pg. 3, Cols. A-C Pg. 4, Cols. A-C Pg. 5	(e)	G. Yupp
44-1/4-1	Payroll	6	Y	Pgs. 1-6, ALL	(e)	G. Yupp
44-1/4-2	Payroll	5	Y	Pgs. 1-5, ALL	(e)	G. Yupp
44-1/4-2/1-1	Payroll	1	N	Pg. 1		
44-1/4-3	Payroll	1	Y	Pg. 1, ALL	(e)	G. Yupp
44-1/4-4	Payroll	2	Y	Pgs. 1-2, ALL	(e)	G. Yupp
44-1/4-5	Payroll	2	Y Y	Pg. 1, Cols. A-B Pg. 2, Lns. 1, 7-8	(e)	G. Yupp
44-2/2	Procedures	6	Y Y	Pg. 1, Lns. 1-39 Pgs. 2-6, ALL	(e)	G. Yupp
44-2/2-1	Procedures	4	Y Y	Pg. 1, Lns. 1-41 Pgs. 2-4, ALL	(e)	G. Yupp
44-2/2-2	Procedures	9	Y	Pg. 1, Lns. 1-40 Pgs. 2-9, ALL	(e)	G. Yupp
45 page 1	Calculation of Hedged Percents	1	Y	Pg. 1, Cols. A-F	(e)	G. Yupp
45 page 3	Explanation of Percent Rates	1	Y	Pg. 1, Lns. 1-7, Cols. A-C	(e)	G. Yupp
45 page 4	Explanation of Percent Rates	1	Y	Pg. 1, Lns. 1-7, Cols. A-C	(e)	G. Yupp
45 page 5	Explanation of Percent Rates	1	Y	Pg. 1, Lns. 6-7, 9-10	(e)	G. Yupp
45-1	Planned Position Strategy (PPS)	2	Y	Pgs. 1-2, ALL	(e)	G. Yupp
45-1/1	Planned Position Strategy (PPS)	2	Y	Pgs. 1-2, ALL	(e)	G. Yupp
45-1/2	Planned Position Strategy (PPS)	3	Y	Pgs. 1-3, ALL	(e)	G. Yupp
45-2	Planned Position Strategy (PPS)	3	Y	Pgs. 1-2, ALL Pg. 3, Lns. 1-9	(e)	G. Yupp
45-2/1	Planned Position Strategy (PPS)	3	Y	Pgs. 1-2, ALL Pg. 3, Lns. 1-6	(e)	G. Yupp
45-2/2	Planned Position	3	Y	Pgs. 1-2, ALL	(e)	G. Yupp

Work paper No.	Description	No. of Pages	Conf Y/N	Line No./Col No.	Florida Statute 366.093(3) Subsection	Affiant
	Strategy (PPS)			Pg. 3, Lns. 1-6		
45-3	EMT Trading and Risk Management Procedures	1	Y	Pg. 1, Lns. 1-44	(e)	G. Yupp
46	Transactions Costs	1	N	Pg. 1		

Exhibit D

AFFIDAVIT

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Fuel and Purchase Power Cost Recovery)
Clause with Generating Performance)
Incentive Factor)

DOCKET NO. 080001-EI

STATE OF FLORIDA)
PALM BEACH COUNTY)

AFFIDAVIT OF GERARD J. YUPP

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 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 Exhibit C, and the documents which are included in Exhibit A to FPL's Request for Confidential Classification of Information Obtained in Connection with Audit No. 08-221-4-2 for which I am identified on Exhibit C as the affiant. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute contractual data such as pricing and other terms, and vendor and supplier rates, 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.

Handwritten signature of Gerard J. Yupp over a horizontal line, with the name Gerard J. Yupp printed below.

SWORN TO AND SUBSCRIBED before me this 15th day of October 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.

Handwritten signature of Maritza Miranda-Wise over a horizontal line, with the name Notary Public, State of Florida printed below.

My Commission Expires



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

Public Service Commission

CONFIDENTIAL

ACKNOWLEDGEMENT

DATE: October 21, 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 certain information provided to staff in connection with its audit of Hedging transactions for January through July 08 (Audit Control No.08-221-4-2), 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
10024 OCT 21 08
FPSC - COMMISSION CLERK

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850
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PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us