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October 22, 2008

**VIA OVERNIGHT DELIVERY**

Ms. Ann Cole  
Division of the Commission Clerk and  
Administrative Services  
Florida Public Service Commission  
Betty Easley Conference Center  
2540 Shumard Oak Boulevard, Room 110  
Tallahassee, FL 32399-0850

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08 OCT 23 PM 2:11  
COMMISSION  
CLERK

Re: Docket No. 070626-EI; In re: Review of Florida Power & Light Company's  
Sunshine Energy Program

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are two copies of a letter responding to Ms. Fleming's letter dated October 9, 2008, and a Revised Exhibit C dated October 22, 2008. This Revised Exhibit C is intended to replace the "Revised Exhibit C to the June 19, 2008 Request," which was filed with FPL's Amended Request for Confidential Classification on June 27, 2008.

Please contact me if you or your Staff has any questions regarding this filing.

Sincerely,

Jessica A. Cano

Enclosures    **COM** \_\_\_\_\_  
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Jessica A. Cano  
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October 22, 2008

Katherine Fleming  
Senior Attorney  
Florida Public Service Commission  
Office of General Counsel  
2540 Shumard Oak Blvd  
Tallahassee, FL 32399

**Re: Docket No. 070626-EI; Florida Power & Light Company's Request for Confidential Classification Concerning Staff Audit Report and Working Papers**

Dear Ms. Fleming,

Florida Power & Light Company has reviewed the issues identified by Staff and included in your letter dated October 9, 2008. I have provided below a brief response to each issue. Additionally, please find enclosed a Revised Exhibit C, which together with the responses below, should resolve each issue identified by Staff.

Issue 1 (Employee Names)

WP 43-1/1-1/3-1, page 8; WP 43-3/1-1, pgs. 1 and 2; WP 43-3/1-1/2: Staff has asserted that FPL has requested confidential classification of employee names and responsibilities. However, only employee names (not responsibilities) are identified as confidential information in FPL's request. It is FPL's position that names themselves are "unrelated to compensation, duties, qualifications and responsibilities" and accordingly warrant confidential treatment pursuant to section 366.093(3)(f), Florida Statutes. Moreover, it is important to recognize that the Commission has in some instances determined that employee names are confidential information pursuant to section 366.093(3)(f). *See* Docket No. 060001-EI, Order No. PSC-06-0949-FOF-EI; *see also* Docket No. 900038-EI, Order No. 24802. Nonetheless, in this instance, FPL has determined that this information no longer requires confidential treatment. Revised Exhibit C has been amended accordingly.

Issue 2 (Provision of Highlighted and Redacted Copies)

WP 44-2/1: This document was originally identified as not requiring confidential treatment on FPL's original Exhibit C, and was then identified as confidential on FPL's June 27, 2008 Exhibit C, in error. Revised Exhibit C has been amended to reflect the original, non-confidential designation. Because FPL is not requesting confidential classification of this document, a highlighted and redacted copy was not provided.

DOCUMENT NUMBER DATE

10077 OCT 23 8

FPSC-COMMISSION CLERK

WP 49-2/2, pg. 1: Page 1 of this document was identified as confidential in error. In fact, no page 1 was provided to FPL by the auditing team when it concluded its audit work. Revised Exhibit C has been amended accordingly. Because FPL is not requesting confidential classification of this document, a highlighted and redacted copy was not provided.

Issue 3 (Reconciliation of Highlighted and Redacted Copies with Exhibit C)

WP 47-1, pgs. 14-33: These pages were never subject to any amended request. However, edits to FPL's June 27, 2008 Exhibit C caused an inadvertent shift in the column indicating whether a page was confidential ("Y") or not ("N"), such that it no longer lined up with the appropriate page reference. Revised Exhibit C included herewith corrects this error. This Revised Exhibit C is consistent with the redacted and highlighted copies provided with FPL's original filing on June 19, 2008.

WP 49-2: Revised Exhibit C has been amended to identify line 6 on page 1 as the only confidential material. Revised Exhibit C is now consistent with the redacted and highlighted copies provided with FPL's Amended Request on June 27, 2008.

WP 52-8: All ten pages of this document are confidential. The Exhibit Cs previously provided identified pages 1-17, as opposed to pages 1-10, in error. Revised Exhibit C has been amended to reference the appropriate page numbers. Revised Exhibit C is now consistent with the redacted and highlighted copies provided with FPL's original filing on June 19, 2008.

Issue 4 (Green Mountain Information)

Staff expressed concern that Mr. Markovich's affidavit was being used to support the contracting ability of FPL under subsection 366.093(3)(d). Mr. Markovich is identified in Exhibit C where the information provided is considered to be proprietary, confidential business information by Green Mountain Energy Company ("Green Mountain"). Any reference to subsection 366.093(3)(d) was intended to indicate that the document contained contractual terms between Green Mountain and third parties and/or that the document's public release would impair Green Mountain's contracting ability. As noted in Mr. Markovich's affidavit, this information is also competitively sensitive to Green Mountain, and as such, it is protected by subsection 366.093(3)(e). In response to Staff's concern, references to subsection 366.093(3)(d) have been deleted for the documents in Revised Exhibit C which refer to Mr. Markovich's affidavit only. Subsection 366.093(3)(e) is sufficient to support the requested confidential classification. Revised Exhibit C reflects these adjustments.

Issue 5 (Review of Information Identified as Confidential)

FPL has reviewed Staff's Attachment 1 and agrees with the listing of confidential information provided therein with two exceptions:

Katherine Fleming, Senior Attorney

October 22, 2008

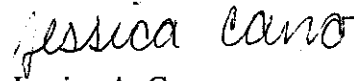
Pg. 3

(i) Pages 12-15 of work paper 5-7 were inadvertently omitted from FPL's original Exhibit C and June 27, 2008 Exhibit C, and are not included in Staff's Attachment 1. Revised Exhibit C included herewith includes those page references. Redacted and highlighted copies of those pages were included in FPL's original filing on June 19, 2008.

(ii) Staff has identified lines 1, 11-12, 14-15, 19, 23, 25-26, 29-35, 37-38, and 40-41 in WP 44 p. 2 as confidential. FPL's June 27, 2008 Amendment narrowed the scope of its request to lines 1 and 14-15 only.

Please let me know if you have any questions regarding FPL's response.

Sincerely,



Jessica A. Cano

Attorney

Florida Power & Light Co.

cc: Office of Commission Clerk w/ enc.

**REVISED EXHIBIT C**

COMPANY: Florida Power & Light Company  
 TITLE: List of Confidential Work Papers  
 AUDIT: Sunshine Energy Program  
 AUDIT CONTROL NO: 08-086-4-1  
 DOCKET NO. 070626- EI  
 REVISED: October 22, 2008

Work paper No.	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
Report	Report	14	N N N N N N N N N Y Y N N N	Cover Table of Contents Pg. 1 Pg. 2 Pg. 3 Pg. 4 Pg. 5 Pg. 6 Pg. 7 Pg. 8 Lns. 28, 30, 32, 37-38 Pg. 9, Lns. 1-2, 13-18 Pg. 10 Pg. 11 Pg. 12	(e)	P. Markovich
1 Annotated	Report	10	N N N N N Y Y N N N	Pg. 3 Pg. 4 Pg. 5 Pg. 6 Pg. 7 Pg. 8, Lns. 28, 30, 32, 37-38 Pg. 9, Lns. 1-2, 13-18 Pg. 10 Pg. 11 Pg. 12	(e)	P. Markovich
5-7	Interrogatories	26	Y Y N N N N N N N Y N Y	Pg. 1, Lns. 3, 5, 11-19 Pg. 2, Ln.. 7, Chart Pg. 3 Pg. 4 Pg. 5 Pg. 6 Pg. 7 Pg. 8 Pg. 9 Pg. 10, Ln 10 Pg. 11 Pg. 12-26, ALL	(d) (e)	C. D. Brandt, P. Markovich
5-7/1	DSM	1	N			

Work paper No.	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
43	Summary Payments	1	N			
43-1	Support for Payments	23	N Y N	Pg. 1 Pg. 2, Cols. A-D Pgs. 3-23	(e)	P. Markovich
43-1/1	GMEC Costs	2	N	Pg. 1-2		
43-1/1-1	GMEC Program Costs	1	Y	Pg. 1, Lns. 21, 34, 38	(e)	P. Markovich
43-1/1-1/1	Science Museum	1	Y	Pg. 1, Lns. 5-9	(d)	C. D. Brandt
43-1/1-1/2	Science Museum	5	Y	Pgs. 1-2, Cols. A-C Pgs. 3-5, ALL	(d)	C. D. Brandt
43-1/1-1/3	Rothenbach Park Agreement	42	Y	Pgs. 1-42, ALL	(e)	P. Markovich
43-1/1-1/3-1	Assignment of Contract	8	Y N	Pgs. 1-7, ALL Pg. 8	(e)	P. Markovich
43-1/1-1/3-2	Lease	17	N	Pgs. 1-17		
43-1/1-2	Green Tag Costs	4	N Y Y	Pg. 1 Pg. 2, Lns. 12-13 Pgs. 3-4, ALL	(e)	P. Markovich
43-2/2	MAST Solar Agreement	5	N	Pgs. 1-5		
43-2/3	Edgewood Solar Agreement	6	N	Pgs. 1-6		
43-2/4	South Miami Solar Agreement	8	N	Pgs. 1-8		
43-2/5	Palm City Solar Agreement	6	N	Pgs. 1-6		
43-2/6	Quarry Solar Agreement	12	N	Pgs. 1-12		
43-3/1-1	Employees	3	N	Pgs. 1-3		
43-3/1-1/1	Adjustment to Salaries	16	N	Pgs. 1-16		
43-3/1-1/2	Job Descriptions	1	N	Pg. 1		
44 P 2	Summary of Contract	1	Y	Pg. 1, Lns. 1, 14-15	(d) (e)	C. D. Brandt, P. Markovich
44-1	GMEC Contract	33	N Y N Y N Y Y Y N	Pg. 1-10 Pgs. 11, Ln 36 Pgs. 14-15 Pg. 16 Ln. 21 Pgs. 17-20 Pg. 21 Lns. 25-27 Pg. 22, Lns. 7-10,39-42 Pg. 23 Ln. 1 Pgs. 24-32	(d), (e)	C. D. Brandt, P. Markovich
44-2	Sterling Planet Contract	14	Y	Pgs. 1-14	(d), (e)	C. D. Brandt, R. Mitchell

Work paper No.	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
44-2/1	RFP Commercial	14	N	Pgs. 1-14		
45	Summary Attestation	2	Y	Pg. 2-3, Cols. A, C, D, F	(d), (e)	C. D. Brandt, P. Markovich
45-1	Attestation Statement	205	N Y	Pg. 1 (cover) Pgs. 2-205, ALL	(e)	P. Markovich
47-1	GMEC Annual Review 2007	33	Y Y Y Y Y Y Y Y Y Y N N Y N Y Y N N Y N N Y N N Y N Y Y N N Y Y N N Y Y N N Y Y N Y	Pgs. 1-3, ALL Pg. 4, Lns. 3-5 Pg. 5, Chart Pg. 6, Lns. 4-5, 7-10, 12-14 Pg. 7, Lns. 4-12 Pg. 8, Lns. 4-13 Pg. 9, Lns. 2-5, 7-13 Pg. 10, Lns. 3-16 Pg. 11, Chart, Lns. 2-4 Pg. 12 Pg. 13 Pg. 14, Lns. 5-11 Pg. 15 Pg. 16 Chart Pg. 17 Chart Pg. 18 Pg. 19 Pg. 20, Lns. 3-11 Pg. 21 Pg. 22 Pg. 23, Lns. 4-5, 7-12 Pg. 24, Lns. 3, 5-11 Pg. 25, Lns. 3, 5-9 Pg. 26, Lns. 3, 5-11 Pg. 27, Lns. 3-5 Pg. 28 Pg. 29 Pg. 30, Lns. 2-7 Pg. 31, Lns. 2, 7-8, 11-12 Pg. 32 Pg. 33, ALL	(e)	P. Markovich
47-2	Nov. Campaign Results	14	Y	Pg. 1, Ln. 4 Pgs. 2-14, ALL	(e)	P. Markovich
47-3	Direct Wave 9	13	Y	Pg. 1, Lns. 3-4 Pgs. 2-13, ALL	(e)	P. Markovich
47-4	Direct Wave 10	13	Y	Pg. 1-2, Lns. 3-5 Pgs. 3-13, ALL	(e)	P. Markovich
47-5	Wave 11	2	Y	Pgs. 1-2, ALL	(e)	P. Markovich
47-6	Wave 13	2	Y	Pgs. 1-2, ALL	(e)	P. Markovich
47-7	Impact Data	2	N Y	Pg. 1 Pg. 2, Cols. A-H	(e)	P. Markovich
47-8	Tail Tally	1	Y	Pg. 1, Cols. A-J	(e)	P. Markovich

Work paper No.	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
47-9	Changes SP Contract	2	Y	Pgs. 1-2, ALL	(e)	R. Mitchell
47-10	Purchases 2004-2008	3	Y	Pg. 1, Cols. A-C Pg. 2, Cols. A-B, D-H Pg. 3, Cols. A-G	(e)	P. Markovich
48A	Summary Sample	1	Y	Pg. 1, Ln. 9	(d)	C. D. Brandt
48	Sample	2	Y	Pgs. 1-2, Cols. A & E	(d)	C. D. Brandt
49	Summary Vendor Selection	1	Y	Pg. 1, ALL	(d)	C. D. Brandt
49-1/1	Business SP	4	N Y	Pgs. 1-3 Pg. 4, ALL	(d)	C. D. Brandt
49-1/2	Eval GMEC	15	N	Pg. 1-15		
49-2	Bids GM	1	Y	Pg. 1, Ln. 6	(d)	C. D. Brandt
49-2/2	GMEC Bid	34	N	Pg. 1-34		
49-2/3	Sterling Planet Bid	5	Y	Pgs. 1-5, ALL	(e)	R. Mitchell
49-2/4	Sterling Planet Commercial Bid	96	Y	Pgs. 1-96, ALL	(e)	R. Mitchell
52	Summary Contracts	1	Y	Pg. 1, ALL	(d)	C. D. Brandt
52-1	Contract List	1	Y	Pg. 1, ALL	(d)	C. D. Brandt
52-2	Attribute Contract	25	Y	Pgs. 1-25, ALL	(e)	P. Markovich
52-3	Attribute Contract	24	Y	Pgs. 1-24, ALL	(e)	P. Markovich
52-4	Attribute Contract	18	Y	Pgs. 1-18, ALL	(e)	P. Markovich
52-5	Attribute Contract	21	Y	Pgs. 1-21, ALL	(e)	P. Markovich
52-6	Attribute Contract	5	Y	Pgs. 1-5, ALL	(e)	P. Markovich
52-7	Attribute Contract	11	Y	Pgs. 1-11, ALL	(e)	P. Markovich
52-8	Attribute Contract	10	Y	Pgs. 1-10, ALL	(e)	P. Markovich
52-9	Attribute Contract	17	Y	Pgs. 1-17, ALL	(e)	P. Markovich
52-10	Attribute Contract	24	Y	Pgs. 1-24, ALL	(e)	P. Markovich