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October 31, 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

**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 Request for Confidential Classification of certain information responsive to Staff's Sixth Set of Interrogatories Nos. 86 and 88, together with a CD containing the electronic version of same.

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

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RCP \_\_\_\_\_

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SGA \_\_\_\_\_

ADM \_\_\_\_\_

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

Sincerely,

*Damaris Rodriguez for*

John T. Butler

Enclosure

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

DOCUMENT NUMBER-DATE

10328 NOV-3 8

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power ) DOCKET NO. 080001-EI  
Cost Recovery Clause and Generating )  
Performance Incentive Factor ) Filed: November 3, 2008

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL  
CLASSIFICATION OF INFORMATION PROVIDED IN RESPONSE TO STAFF'S  
SIXTH SET OF INTERROGATORIES (NOS. 86 AND 88)**

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 response to Staff's Sixth Set of Interrogatories Nos. 86 and 88 ( the "Confidential Discovery Response") which were served by Staff on September 29, 2008. In support of its Request, FPL states as follows:

1. FPL served its documents responsive to Staff's Sixth Set of Interrogatories on Monday, October 20, 2008 for overnight delivery to Staff on October 21, 2008. FPL considers information responsive to Staff's Sixth Set of Interrogatories Nos. 86 and 88 to be proprietary confidential business information. Accordingly FPL filed a notice of intent to seek confidential classification on October 21, 2008. 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. This request is intended to request confidential classification of confidential portions of the Confidential Discovery Responses.

2. The following exhibits are included herewith and made part of this request:  
a. The confidential documents were previously filed in unredacted form, with the confidential information highlighted, on October 21, 2008 along with the notice of intent to seek confidential classification. Those documents are included herein by reference as "Exhibit A."

b. Exhibit B consists of an edited version of Exhibit A, on which all information in FPL's responses to Interrogatories Nos. 86 and 88 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, Senior Director of Wholesale Operations in the Energy Marketing and Trading Division.

4. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of section 366.093(3), Florida Statutes. This information is intended to be and is treated by FPL as private, and to the best of FPL's knowledge it has not been publicly disclosed. Pursuant to section 366.093, Florida Statutes, such information 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 of Gerard J. Yupp indicates, the highlighted information is proprietary confidential business information within the meaning of Section 366.093(3) because it consists of certain information concerning bids or other contractual data of which would impair the efforts of FPL to contract for goods 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.

5. Upon 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), Fla. Stat.

**WHEREFORE**, FPL respectfully requests confidential classification of the Confidential Discovery Response as described herein.

R. Wade Litchfield, Vice President and  
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By: Jamario Rodriguez for  
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 overnight delivery (\*\*) or United States mail on October 31, 2008 to the following:

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Damaris Rodriguez for  
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.