



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

November 21, 2008

**-VIA HAND 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

RECEIVED-FPSC  
08 NOV 21 PM 3:03  
COMMISSION  
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**Re: Docket No. 080007-EI**

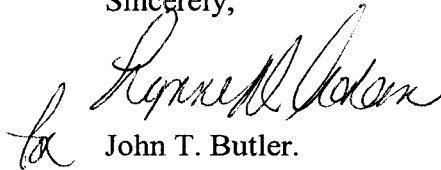
Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's ("FPL's") Request for Confidential Classification of certain documents responsive to Staff's Fourth Request for Production of Documents No. 12, together with a CD containing the electronic version of same.

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

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

Sincerely,

  
John T. Butler.

COM  
ECR  
GCL  
OPC  
RCP  
SSC  
SGA  
ADM  
CLK

Enclosure

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

DOCUMENT NUMBER-DATE

10869 NOV 21 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Environmental Cost )  
Recovery Clause )

DOCKET NO. 080007-EI  
Filed: November 21, 2008

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED  
PURSUANT TO STAFF'S FOURTH REQUEST FOR PRODUCTION OF DOCUMENTS  
(NO.12)**

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 documents responsive to Staff's Fourth Request for Production of Documents No.12 ( the" Confidential Discovery") which was served by Staff on July 23, 2008. In support of its Request, FPL states as follows:

1. FPL served its response to Staff's Fourth Request for Production of Documents on August 22, 2008, but did not provide Staff the confidential responsive documents at that time; rather, the confidential documents were available for inspection in FPL's Tallahassee office. Subsequently, Staff requested certain of the confidential documents, which FPL filed with a notice of intent to seek confidential classification on October 31, 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 the confidential documents that were filed with the notice of intent (the "Filed Confidential Documents").

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

a. Exhibit A consists of the Filed Confidential documents. All information in Exhibit A that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit A is submitted separately in a seal folder marked " CONFIDENTIAL"

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

b. Exhibit B consists of an edited version of Exhibit A on which all information 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 Kathryn S. Salvador, who is the Project Development Manager in the Project Development and Renewables Department.

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)(d) and (e) because it contains information concerning bids or other contractual information, the disclosure of which would impair the efforts of FPL to contract for goods and services on favorable terms. Similarly, disclosure of the information could impair the competitive business of the counter party of service.

4 FPL submits that the highlighted information in Exhibit A 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 it is exempt from the disclosure provisions of the public records law.

5. The highlighted information in Exhibit A is intended to be and is treated by FPL as private, and its confidentiality has been maintained.

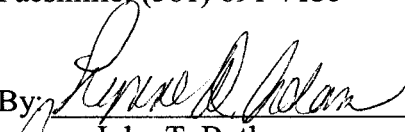
6. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, is proprietary confidential business information, the information should not be declassified for a period of at least eighteen (18) months and should be returned to

FPL as soon as the information is no longer necessary for the Commission to conduct its business. *See* § 366.093(4).

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

Respectfully submitted,

R. Wade Litchfield, Esq.  
Vice President and General Counsel  
John T. Butler, Esq.  
Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 304-5639  
Facsimile: (561) 691-7135

By:   
John T. Butler  
Fla. Bar No. 283479

**CERTIFICATE OF SERVICE**  
**Docket No. 080007-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification (\*) has been furnished by hand delivery (\*\*) or U.S Mail on the 21<sup>st</sup> day of November, 2008, to the following:

Martha Brown (\*\*)  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Room 370P – Gunter Building  
Tallahassee, FL 32399-0850

Ausley Law Firm  
Lee L. Willis/James D. Beasley  
P.O. Box 391  
Tallahassee, FL 32302

Beggs & Lane Law Firm  
Jeffrey Stone/Russell Badders/S/ Griffin  
P.O. Box 12950  
Pensacola, FL 32591-2950

Florida Industrial Power Users Group  
John W. McWhirter, Jr.  
c/o McWhirter Reeves & Davidson, P.A.  
P.O. Box 3350  
Tampa, FL 33601-3350

Progress Energy Florida, Inc.  
R. Alexander Glenn/John T. Burnett  
c/o Progress Energy Service Company  
P.O. Box 14042  
Saint Petersburg, FL 33733-4042

Gulf Power Company  
Ms. Susan D. Ritenour  
One Energy Place  
Pensacola, FL 32520-0780

Hopping Law Firm  
G. Perko/C. Raeppe/V.Dailey/D. Roberts  
P.O. Box 6526  
Tallahassee, FL 32314

Tampa Electric Company  
Paula K. Brown  
Regulatory Affairs  
P. O. Box 111  
Tampa, FL 33601-0111

Progress Energy Florida, Inc.  
Paul Lewis, Jr.  
106 East College Avenue, Suite 800  
Tallahassee, FL 32301-7740

Office of Public Counsel  
J.R. Kelly/Patricia Christensen/Steve Burgess  
c/o The Florida Legislature  
111 West Madison St., Room 812  
Tallahassee, FL 32399-1400

By:   
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.

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

## ACKNOWLEDGEMENT

DATE: November 21, 2008

TO: John T. Butler, Florida Power & Light

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 080007 or, if filed in an undocketed matter, concerning certain documents responsive to staff's 4<sup>th</sup> Request for PODs, No. 12, 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  
10870 NOV 21 08  
FPSC-COMMISSION CLERK

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Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)