

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

December 5, 2008

**-VIA OVERNIGHT DELIVERY -**

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

RECEIVED-FPSC  
08 DEC - 8 PM 3: 03  
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 and Light Company's Request for Confidential Classification of information contained in its document entitled "2008-2009 Mark to Market Hedging Positions", together with a CD containing the electronic version of same.

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

Sincerely,

*Terry J. Keith for*  
John T. Butler

COM \_\_\_\_\_  
ECR 1  
GCL 1 Enclosure  
OPC \_\_\_\_\_ cc: Counsel for Parties of Record (w/encl.)  
RCP \_\_\_\_\_  
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DOCUMENT NUMBER-DATE  
11325 DEC-8 08  
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: December 8, 2008

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR  
CONFIDENTIAL CLASSIFICATION OF INFORMATION CONTAINED IN ITS  
DOCUMENT ENTITLED "2008-2009 MARK TO MARKET HEDGING POSITIONS"**

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 contained in the document entitled "2008-2009 Mark to Market Hedging Positions" (the "Confidential Document"). In support of its Request, FPL states as follows:

1. At an informal meeting to review FPL's proposed mid-course correction fuel adjustment factors on November 19, 2008, Staff requested that FPL provide its 2008-2009 mark to market hedging values. FPL considers that information to be proprietary confidential business information. Accordingly, when FPL filed the Confidential Document containing that information on November 21, 2008, it also filed a notice of intent to seek confidential classification. 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 Document.

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

a. Exhibit A consists of a copy of the Confidential Document on which all information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

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 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.

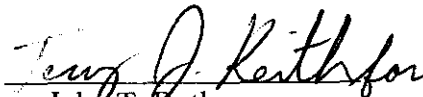
5. As the affidavit of Gerard J. Yupp indicates, the highlighted information is proprietary confidential business information within the meaning of Section 366.093(3) because it concerns bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods and 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 FPL's competitive business. Such information is protected by section 366.093(3)(e), Florida Statutes.

5. 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), Fla. Stat.

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

Respectfully submitted,

R. Wade Litchfield  
Vice President and General Counsel  
John T. Butler  
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. 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 this 5<sup>th</sup> day of December, 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

  
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.

COMMISSIONERS:  
MATTHEW M. CARTER II, CHAIRMAN  
LISA POLAK EDGAR  
KATRINA J. MCMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK  
ANN COLE  
COMMISSION CLERK  
(850) 413-6770

**Public Service Commission**

**ACKNOWLEDGEMENT**

**DATE:** December 8, 2008

**TO:** John T. 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 document entitled, 2008-2009 Mark to Market Hedging Positions, 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  
11326 DEC-8 08  
FPSC-COMMISSION CLERK

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