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April 3, 2009

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e.v.n

-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

Re: Docket No. 090001-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") Petition for Approval of GPIF Results for the Period Ending December 2008, and FPL's Request for Confidential Classification of Fuel Hedging Information, together with a CD containing the electronic version of same.

Also enclosed for filing are the original and fifteen (15) copies of the prefiled testimony and documents of FPL witnesses R. Kennedy and G. Yupp. Ms. Kennedy's testimony provides and supports the GPIF results set forth in the enclosed petition. Mr. Yupp's testimony provides and supports the information on fuel hedging activities that is required by Item 5 of the Resolution of Issues approved by the Commission in Order No. PSC-02-1484-FOF-EI, Docket No. 011605-EI.

Please note that Mr. Yupp's Exhibit GJY-1 contains proprietary confidential information, which has been redacted from the copies of the documents attached to his testimony. A copy of Exhibit GJY-1 with the confidential information highlighted is included with the original of the enclosed Request for Confidential Classification of Fuel Hedging Information

- COM _____
- ECR _____
- GCL 1+CD
- OPC _____
- RCP _____
- SSC _____
- SGA _____
- ADM _____
- CLK _____

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

Sincerely,

John T. Butler

DOCUMENT NUMBER-DATE
02947 APR-3 8
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power)
cost recovery clause with)
generating performance incentive)
factor.)
_____)

Docket No. 090001-EI

Filed: April 3, 2009

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**FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF FUEL HEDGING INFORMATION**

Florida Power & Light Company ("FPL"), pursuant to Rule 25-22.006, F.A.C., and Section 366.093, Florida Statutes, requests confidential classification of certain information on fuel hedging activities and market comparisons that is contained in Exhibit GJY-1 to the prepared testimony of Gerard J. Yupp (the "Fuel Hedging Information"). In support of its Request, FPL states as follows:

1. Contemporaneously with this request, FPL is filing Mr. Yupp's prepared testimony, including Exhibit GJY-1. This request is intended to request confidential classification of the Fuel Hedging Information consistent with Rule 25-22.006.
2. The following exhibits are included with this Request:
 - a. Exhibit A consists of a copy of Exhibit GJY-1, in which all of the Fuel Hedging Information has been highlighted.
 - b. Exhibit B consists of two copies of Exhibit GJY-1 in which all of the Fuel Hedging Information 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.

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FPSC-COMMISSION CLERK

d. Exhibit D consists of the affidavit of Paul S. Zhang, who is the Financial Trading Desk Head in the Energy Marketing and Trading Division Hedge Program. The affidavit attests to the asserted bases for confidential classification.

3. FPL seeks confidential protection for the Fuel Hedging Information because it comprises trade secrets of FPL, which allow FPL to purchase and sell fuel and electric power on favorable terms for FPL and its customers. The disclosure of that trade-secret information would provide other participants in the fuel and electric power markets insight into FPL's marketing and trading practices that would allow them to anticipate FPL's marketing and trading decisions and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers. *See* § 366.093(3)(a), Fla. Stat (2005).

4. FPL submits that the highlighted Fuel Hedging Information 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 is exempt from the disclosure provisions of the public records law.

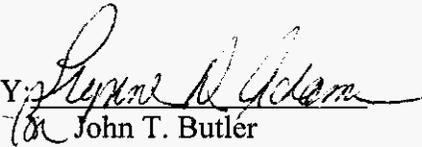
5. The Fuel Hedging Information in Exhibit A is intended to be and is treated by FPL as private, and its confidentiality has been maintained.

6. Upon a finding by the Commission that the Fuel Hedging Information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), pursuant to Section 366.093(4) such materials should not be declassified for 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.

WHEREFORE, FPL respectfully requests confidential classification of the Fuel Hedging Information.

Respectfully submitted,

R. Wade Litchfield, Esq.
Vice President and Chief Regulatory Counsel
John T. Butler, Esq.
Managing 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. 090001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification of the Fuel Hedging Information (*) has been furnished by hand delivery (**) or the United States Mail on this 3rd day of May 2009 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.
Charles E. Beck, Esq.
Charles J. Rehwinkel, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399

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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

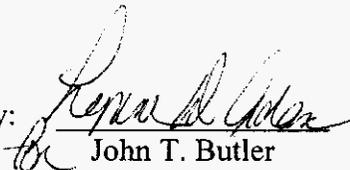
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Tallahassee, FL 32301

By: 
John T. Butler

* The exhibits to this Request are not included with the service copies, but a redacted version of Exhibit GJY-1 (Exhibit B) is included with the testimony of Mr. Yupp that is being served on all parties, and copies of Exhibits 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: April 3, 2009

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 090001 or, if filed in an undocketed matter, concerning certain information contained in Exhibit GJY-1 to prepared testimony of Gerard J. Yupp, 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
02948 APR -3 60
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