

John T. Butler
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700 Universe Boulevard
Juno Beach, FL 33408-0420
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October 22, 2007

-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
07 OCT 22 PM 2:32
COMMISSION
CLERK

Re: Docket No. 070007-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 First Request for Confidential Classification of information provided in connection with Staff's Fourth Set of Interrogatories Nos. 36 and 40 and Staff's Third Request for Production of Documents No. 7, together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows XP, and the word processing software in which the document appears is Word 2003. One copy of Exhibit A is enclosed in a separate folder marked "CONFIDENTIAL," and two copies of the redacted Exhibit B are enclosed. Please note that Exhibit D (the affidavit of Randall R. LaBauve) enclosed with this filing is a copy. The original of Mr. LaBauve's affidavit will be provided under separate ~~cover~~.

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

COM _____

CTR _____

ECR 5

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OPC _____

RCA _____ Enclosure

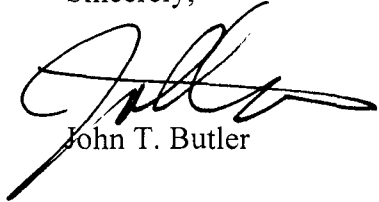
SCR cc Counsel for Parties of Record (w/encl.)

SGA _____

SEC _____

OTH 1 copy
records

Sincerely,



John T. Butler

DOCUMENT NUMBER-DATE

09618 OCT 22 07

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Environmental Cost)
Recovery Clause)

DOCKET NO. 070007-EI
Filed: October 22, 2007

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED
PURSUANT TO STAFF'S FOURTH SET OF INTERROGATORIES (NOS. 36 AND 40)
AND THIRD REQUEST FOR PRODUCTION OF DOCUMENTS NO.7**

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 connection with Interrogatories Nos. 36 and 40 and Request for Production of Documents No.7, which were served by Staff on September 27, 2007. In support of its Request, FPL states as follows:

1. FPL served its answers to Staff's Fourth Set of Interrogatories and documents responsive to Staff's Third Request for Productions of Documents on October 22, 2007. This request is being filed contemporaneously with the delivery of the answers to Staff and is intended to request confidential classification of the confidential portions of Interrogatories Nos. 36 and 40 and Production of Documents No. 7 (the "Confidential Discovery Responses") consistent with Rule 25-22.006, Florida Administrative Code.

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

a. Composite Exhibit A consists of a copy of FPL's responses to Interrogatories Nos. 36 and 40 and Productions of Documents No. 7 on which all information that FPL asserts is entitled to confidential treatment has been highlighted. Composite Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

DOCUMENT NUMBER DATE

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FPSC-COMMISSION CLERK

b. Composite Exhibit B consists of an edited version of Exhibit A on which all information in FPL's responses to Interrogatories Nos. 36 and 40 as well as Production of Documents No. 7 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 Randall R. LaBauve, who is the Vice President of Environmental Services.

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 or constitutes contractual data, such as pricing and other terms, 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.

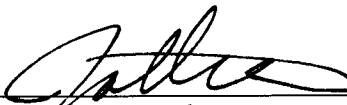
6. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, is proprietary confidential business information, the information should not be declassified for a period of at least eighteen (18) months and should be returned to

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 Responses as described herein.

Respectfully submitted,

R. Wade Litchfield, Esq.
Vice President and Associate 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. 070007-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification of Information Provided Pursuant to Staff's Fourth Set of Interrogatories, Nos. 36 and 40 (*) has been furnished by hand delivery (**) or U.S. Mail on the 22nd day of October, 2007, to the following:

Martha Brown, Esq. **
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Charles J. Beck, 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
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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

Gary V. Perko, Esq.
Hopping Green & Sams
P.O. Box 6526
Tallahassee, FL 32314

Jeffrey A. Stone, Esq.
Russell A. Badders, Esq.
Beggs & Lane
Attorneys for Gulf Power
P.O. Box 12950
Pensacola, Florida 32576-2950

John W. McWhirter, Jr., Esq.
McWhirter Law Firm
Attorney for FIPUG
400 North Tampa Street, Suite 2450
Tampa, Florida 33602

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.

COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
MATTHEW M. CARTER II
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

CONFIDENTIAL

ACKNOWLEDGEMENT

DATE: October 22, 2007

TO: J. Butler/Florida Power & Light Co.

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 070007-EI or, if filed in an undocketed matter, concerning Information provided in connection with Interrogatories Nos. 36 and 40, and Request for PODs, No. 7, 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
09619 OCT 22 2007
FPSC-COMMISSION CLERK

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