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May 1, 2008

**VIA HAND DELIVERY**

Ms. Ann Cole, Director  
 Division of the Commission Clerk and  
 Administrative Services  
 Florida Public Service Commission  
 Betty Easley Conference Center, Room 110  
 2540 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-0850

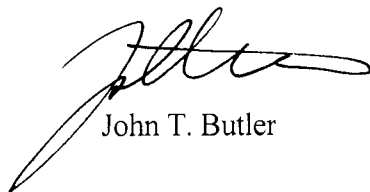
Re: Docket No. 080002-EG  
 Energy Conservation Cost Recovery Clause

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Request for Confidential Classification Regarding Confidential Information Required to be Filed as Part of True-Up Filing together with a diskette containing the electronic version of same. Please note that the original copy of the request has an Attachment, Attachment A, that contains CONFIDENTIAL INFORMATION. Therefore, FPL is filing the original request in a separate envelope stamped CONFIDENTIAL. The remaining copies of the request do not contain Attachment A or any other confidential information.

Please contact me if you or your Staff have any questions regarding this filing.

Sincerely,



John T. Butler

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR** \_\_\_\_\_ *skette*
- GCL 1 + *D* *JTB:ec* Enclosures
- OPC \_\_\_\_\_
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- SEC \_\_\_\_\_
- OTH *leaf* *records*

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In Re: Energy Conservation Cost )  
Recovery Clause )  
\_\_\_\_\_ )**

**Docket No. 080002-EG**

**Filed: May 1, 2008**

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION REGARDING CONFIDENTIAL INFORMATION REQUIRED TO BE FILED AS PART OF TRUE-UP FILING**

Pursuant to Florida Administrative Code Rule 25-22.006 and Section 366.093, Florida Statutes, Florida Power & Light Company ("FPL") requests confidential classification of portions of Schedule CT-6 to Exhibit MB-1 filed this day with the Commission in Docket No. 080002-EG. FPL further requests that if Schedule CT-6 to Exhibit MB-1 is admitted into the record in this proceeding, that the Commission determine that FPL has shown good cause to maintain confidential classification for the confidential information in Schedule CT-6 for a period of thirty-six months. As grounds for this request, FPL states:

1. FPL is filing in its true-up filing cost-effectiveness runs performed for specific customers who qualified for incentives under FPL's Commercial/Industrial Business Custom Incentives ("C/I BCI") Program. This is included as part of Schedule CT-6 of Exhibit MB-1, the exhibit attached to the Testimony of FPL witness Maria Besada. This inclusion of customer-specific cost-effectiveness runs in FPL's ECCR true-up filing is consistent with the requirements of Order No. PSC-93-0472-FOF-EG.

2. Part of the information FPL has been required to file in Schedule CT-6 to Exhibit MB-1 to comply with Rule 25-17.015(5) is confidential. This Request for Confidential Classification seeks (a) a Commission determination that certain information identified by FPL in Schedule CT-6 to Exhibit MB-1 should be classified as confidential information and (b) the

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continued confidential classification of the information for thirty-six months if it is included in the record.

### **Justification of Confidential Classification**

3. The information in Schedule CT-6 to Exhibit MB-1 for which FPL seeks confidential classification is customer-specific information. FPL has a corporate policy not to disclose or release customer-specific information without the consent of the customer. The FPL customers referred to in this information have not consented to the release of its customer-specific information. In addition, much of the information for which FPL seeks confidential classification is confidential and proprietary to the customers, the release of which would harm the customers' business operations. This information may, in some instances, constitute trade secrets to the customers, and is certainly information relating to the customers' competitive interests, the disclosure of which would impair the competitive business of the customers. Information of this nature is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes (2007). The Commission has previously determined that the type of information for which FPL seeks protection is proprietary confidential business information. *See, e.g.*, Order Nos. PSC-06-834-CFO-EG, PSC-03-1198-CFO-EG, PSC-00-0628-CFO-EG.

4. To satisfy the requirements of Rule 25-17.006, FPL has prepared four Attachments to this request. Attachment A is a copy of Schedule CT-6 to Exhibit MB-1 which has all the confidential information highlighted. Attachment B is a copy of Schedule CT-6 to Exhibit MB-1 with the confidential information redacted. Attachment C is a line-by-line justification of the confidential status of the confidential information in Schedule CT-6 to Exhibit MB-1. Attachment D is the affidavit of Maria Besada explaining why the information

FPL seeks to prevent from disclosure is confidential. Only the original copy of this request includes Attachments A-D. The remaining copies served upon the Commission and the parties include only Attachment C.

5. The information for which FPL seeks confidential classification shall continue to be confidential after 18 months. It will still be treated by FPL as confidential as a matter of policy, and the information regarding customers' electrical usage and electrical equipment will continue to be competitive information the disclosure of which may injure the customers' competitive interests even after 18 months. Therefore, FPL requests that the Commission rule, as permitted by Section 366.093, Florida Statutes, that the confidential information in Schedule CT-6 to Exhibit MB-1 continue to be classified as confidential for a period of thirty-six months from the original confidential classification. At present it is not FPL's intent to offer the confidential portion of Schedule CT-6 to Exhibit MB-1 into evidence; FPL is filing Schedule CT-6 to satisfy the requirements of Rule 25-17.015(4), Florida Administrative Code, and Order No. PSC-93-0472-FOF-EG. If the confidential portion of Schedule CT-6 is not admitted into evidence in this proceeding, FPL asks that the Commission require the return of the confidential portion of Schedule CT-6 to FPL. However, if the confidential information in Schedule CT-6 is introduced into the record in this proceeding, FPL asks that the Commission determine that FPL has demonstrated good cause for the confidential information to continue to be classified as confidential for thirty-six months from the original classification.


WHEREFORE, FPL respectfully moves that the Commission (a) rule that the information identified by FPL as confidential in Schedule CT-6 to Exhibit MB-1 filed on May 1, 2008, be given confidential classification by the Commission and be exempt from disclosure, and (b) that the confidential information in Schedule CT-6 be returned to FPL after the close of

this proceeding if not admitted into the record, and if Schedule CT-6 is admitted into the record in this proceeding, that FPL has shown good cause for the confidential information in Schedule CT-6 to continue to be classified as confidential for thirty-six months from the original classification.

Respectfully submitted,

R. Wade Litchfield, Associate General Counsel  
John T. Butler, Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Tele: (561) 691-7100  
Fax: (561) 691-7135  
Attorneys for Florida Power & Light Company

By:



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JOHN T. BUTLER  
Fla. Bar No. 283479

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Request For Confidential Classification Regarding Confidential Information Required To Be Filed As Part Of True-Up Filing with Attachment C was served by hand delivery (when indicated with an \*) or mail this 1st day of May, 2008 to the following:

Katherine Fleming\*  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

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

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

Florida Public Utilities Company  
Mehrdad Khojasteh  
P. O. Box 3395  
West Palm Beach, FL 33402-3395

Florida Industrial Power Users Group  
John W. McWhirter, Jr.  
c/o McWhirter Law Firm  
400 North Tampa Street, Suite 2450  
Tampa, FL 33602

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

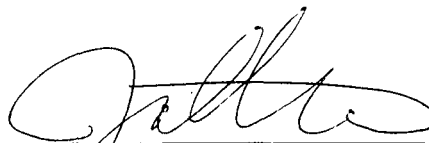
Gulf Power Company  
Ms. Susan D. Ritenour  
One Energy Place  
Pensacola, FL 32520-0780

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

Messer Law Firm  
Norman H. Horton, Jr.  
P.O. Box 15579  
Tallahassee, FL 32317

Progress Energy Florida, Inc.  
John T. Burnett  
P.O. Box 14042  
St. Petersburg, FL 33733-4042

By: \_\_\_\_\_



JOHN T. BUTLER

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

**CONFIDENTIAL**

**Public Service Commission**

**ACKNOWLEDGEMENT**

DATE: May 1, 2008

TO: John Butler/Fpl

FROM: M. Sanders, Office of Commission Clerk

RE: **Acknowledgement of Receipt of Confidential Filing**

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 080002-EG or, if filed in an undocketed matter, concerning Schedule CT-6 EXh MB-1, 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.

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