



Florida Power & Light Company, 215 S. Monroe St., Suite 810, Tallahassee, FL 32301

Jessica Cano
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June 18, 2008

VIA HAND DELIVERY

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

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08 JUN 18 PM 4:18
COMMISSION
CLERK

Re: Docket No. 070626-EI; In re: Review of Florida Power & Light Company's
Sunshine Energy Program

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 for information requested by the Staff of the Florida Public Service Commission ("Staff"). The original includes Exhibits A, B, C, and D. The seven (7) copies include only Exhibits C and D.

Exhibit A contains the confidential information that is subject of FPL's Request for Confidential Classification. Exhibit A is submitted for filing in a separate, sealed envelope marked "Exhibit A - CONFIDENTIAL". Exhibit B is an edited version of Exhibit A, in which the information Green Mountain Energy Company asserts is confidential has been blocked out. Exhibit C contains the statutory justification for the request for confidential classification. Exhibit D contains a copy of the affidavit of Paul Markovich, Senior Vice President of Green Mountain Energy Company. The original will be provided under separate cover as soon as it is available. Also included with this filing is a computer diskette containing FPL's Request for Confidential Classification and Exhibit C in word processing format.

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

Sincerely,

Jessica A. Cano
Jessica A. Cano

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DISKETTE # 1

1 copy records Enclosures

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Review of Florida Power & Light)
Company's Sunshine Energy Program)

Docket No. 070626-EI
Filed: June 18, 2008

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

NOW, BEFORE THIS COMMISSION, through undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to Rule 25-22.006 of the Florida Administrative Code and section 366.093 of the Florida Statutes, hereby requests confidential classification of certain subsections or portions of Green Mountain Energy Company ("Green Mountain") material provided to the Florida Public Service Commission ("Commission") staff ("Staff") pursuant to Staff's request. In support of its request, FPL states as follows:

1. On June 11, 2008, FPL provided to Staff its *Amended and Restated Trademark License and Services Agreement with Green Mountain* ("Amended Agreement") and a table comparing the current agreement and the Amended Agreement in un-redacted form, along with a Notice of Intent to Request Confidential Classification. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, at Green Mountain's request and based on the supporting affidavit submitted by Green Mountain in connection with this petition, FPL is filing this Request for Confidential Classification to maintain continued confidential handling of a few selected sections from those materials, the public disclosure of which would harm Green Mountain's business operation's, interests that are protected under section 366.093 of the Florida Statutes.

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

a. Exhibit A includes a copy the confidential documents, on which all information that is entitled to confidential treatment under Florida law has been highlighted. Exhibit A is submitted separately in a sealed folder marked

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“CONFIDENTIAL.”

b. All information for which confidential treatment is sought has been redacted in Exhibit B, which is an edited and publicly available version of the documents.

c. Exhibit C is a table containing the specific line and page references of the handful of selected items or sections of the materials for which confidential treatment is sought and, with regard to each document or discrete subsections thereof, references to the specific statutory basis or bases for the claim of confidentiality and to the Green Mountain affidavit in support of the requested classification.

d. Exhibit D includes the affidavit of Paul Markovich, Green Mountain’s Senior Vice President.

3. The information in Exhibit A is proprietary confidential business information within the meaning of section 366.093(3), Florida Statutes. As Mr. Markovich indicates in his affidavit, that information has not been publicly disclosed. Pursuant to section 366.093, as a matter of public policy not unique to Florida, 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.

4. As the Mr. Markovich’s affidavit included in Exhibit D indicates, the information includes contractual data, such as pricing and other terms. This information includes contractual data which Green Mountain is prohibited from disclosing pursuant to its contractual obligations with third parties. Such information is protected by section 366.093(3)(d), Florida Statutes. This information also involves the competitive interests of Green Mountain, and if disclosed could

harm its competitive business, particularly with regard to its negotiations and contractual relationships with other parties for the provision of services in the renewable energy market. Such information is protected by section 366.093(3)(e), Florida Statutes.

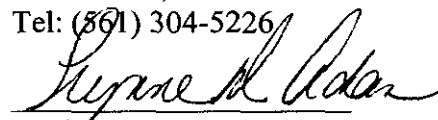
5. Green Mountain has had no objection and continues to have no objection to the full disclosure of this information to the Florida Public Service Commission and its Staff, to allow them to fulfill their regulatory function; however, certain portions, if publicly disclosed, would harm the competitive business operations of GMEC as described above.

6. Upon a finding by the Commission that the material in Exhibit A for which FPL seeks confidential treatment is proprietary confidential business information within the meaning of section 366.093(3), Florida Statutes, such information should not be declassified for a period of at least eighteen (18) months. Additionally, the material provided should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business, pursuant to section 366.093(4), Florida Statutes.

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavits included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

R. Wade Litchfield, Vice President
and Associate General Counsel
Jessica A. Cano, Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Tel: (561) 304-5226


By: 
Jessica A. Cano
Fla. Bar No. 0037372

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing, without attachments, has been furnished by hand delivery* or U.S. mail this 18th day of June, 2008, to the following:

Katherine Fleming*
Senior Attorney
Jean Hartman*
Senior Attorney
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

J. R. Kelly
Office of the Public Counsel
c/o The Florida Legislature
Gerald L. Gunter Building
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400

By: 
for Jessica A. Cano
Fla. Bar No. 0037372

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: June 18, 2008

TO: Jessica Cano, 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 070626 or, if filed in an undocketed matter, concerning certain subsections or portions of Green Mountain Energy Company material provided to staff pursuant to staff's request, 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
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