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Jessica A. Cano
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Florida Power & Light Company
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August 5, 2008

-VIA OVERNIGHT 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: Florida Power & Light Company's Second Request for Extension of Confidential Classification of certain material provided to the Florida Public Service Commission Staff in connection with the Fuel Cost Recovery Clause Audit (Audit Control No. 04-022-4-1) in Docket 080001-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") Second Request for Extension of Confidential Classification of certain material provided to the Florida Public Service Commission ("FPSC" or "Commission") staff ("Staff") in connection with the Fuel Cost Recovery Clause Audit (Audit Control No. 04-022-4-1), together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Window XP, and the word processing software is word 2003.

Please note that Exhibit D, affidavit of Gerard J Yupp is a copy, an original will be provided under separate cover.

If there are any questions regarding this transmittal, please contact me at (561) 304-5226

Sincerely,

Terry J. Keith for
Jessica A. Cano

COM _____
ECR _____
GCL _____
OPC _____
RCP _____
SSC _____
SGA _____
ADM _____
CLK _____

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

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FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power)
Cost Recovery Clause and Generating)
Performance Incentive Factor)

DOCKET NO. 080001-EI
FILED: August 6, 2008

**FLORIDA POWER & LIGHT COMPANY'S
SECOND REQUEST FOR EXTENSION OF CONFIDENTIAL
CLASSIFICATION OF CERTAIN INFORMATION OBTAINED
IN CONNECTION WITH AUDIT CONTROL NO. 04-022-4-1**

NOW, BEFORE THE 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 submits its Second Request for Extension of Confidential Classification of certain materials obtained by the Florida Public Service Commission ("Commission") Staff ("Staff") in connection with Audit Control No. 04-022-4-1 in Docket No. 040001-EI. In support of its Second Request, FPL states as follows:

1. Petitioner's name and address is as follows:

Florida Power & Light Company
P.O. Box 029100
Miami, Florida 33102-9100

Orders, notices, or other pleadings related to this request should be served on:

John T. Butler
Senior Attorney
Jessica Cano
Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
(561) 304-5226 Telephone
(561) 691-7135 Facsimile

2. On April 28, 2006, FPL filed its First Request for Extension of Confidential Classification of certain materials obtained during the Audit, which incorporated by reference the

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previously provided Exhibits A and B and included revised Exhibits C and D. FPL adopts and incorporates by reference its April 28, 2006 Request, including Exhibits A, B, C and D thereto.

3. By Order No. 07-0104-CFO-EI, dated February 6, 2007, the Commission granted FPL's request. The period of confidential treatment granted by that order will soon expire. Some of the information that was the subject of FPL's April 28, 2006 Request continues to be proprietary confidential business information within the meaning of section 366.093 and warrants continued treatment as such. Accordingly, FPL hereby submits its Second Request for Extension of Confidential Classification.

4. Included herewith and made a part hereof is a Revised Exhibit C, which indicates which information continues to be proprietary confidential business information. Also included is a Revised Exhibit D which includes the affidavits of Terry Keith, Osvaldo J. Lom, Terry O. Jones, Gerard J. Yupp, and Frank Irizarry.

5. FPL submits that this information is proprietary confidential business information within the meaning of section 366.093(3), Florida Statutes. Pursuant to section 366.093, such materials are entitled to confidential treatment and are exempt from the disclosure provisions of the public records law. Thus, once the Commission determines that the information in question continues to be 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.

6. The statutory bases for FPL's assertion of confidentiality with regard to each document or portion thereof are set forth in the Revised Exhibit C under the column titled "Florida Statute 366.093(3) Subsection." The letters (c), (d), or (e) in that column refer to the subsection(s) of section 366.093(3) that provide justification for FPL's request. Further support

for FPL's Second Request for Extension of Confidential Classification of the referenced material is provided through the affidavits included as Revised Exhibit D to this Request.

7. Information that FPL asserts is proprietary and confidential business information includes data related to security measures and negotiated agreements for the protection of FPL facilities. This information, if made public, would disclose certain of FPL's security measures, systems, or procedures to the detriment of FPL and its customers. Such information is proprietary confidential business information pursuant to section 366.093(3)(c).

8. Other information that FPL asserts is proprietary confidential business information includes contractual data such as pricing and other terms, payment records, and vendor and supplier rates, the disclosure of which would impair the efforts of FPL to contract for goods and services on favorable terms for the benefit of its customers. This information is protected from disclosure by section 366.093(3)(d).

9. Commercially sensitive data is also included in these materials, the disclosure of which would impair the competitive interests of FPL and its vendors. Certain proprietary confidential information concerns St. Johns River Power Park, a Jacksonville Electric Authority ("JEA") and FPL venture. JEA maintains this information as confidential pursuant to Section 163.01(15)(m), Florida Statutes, and the disclosure of this information would injure JEA in the marketplace. Certain of the information for which confidential protection is sought would also place FPL at a disadvantage when coupled with other information that is publicly available. This information is protected from disclosure by section 366.093(3)(e).

10. Also, certain of the information for which confidential protection is requested is customer-specific account information, including banking account numbers. It is FPL's corporate policy not to disclose customer-specific information. This policy includes, but is not


limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh and bills. FPL treats such information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer absent the customer's consent.

11. As reflected in the affidavits submitted herewith, nothing has changed since the issuance of Order No. 07-0104-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, FPL requests that the information be accorded confidential classification for an additional eighteen month period. FPL further requests that the information be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business, consistent with 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 or incorporated herein by reference, Florida Power & Light Company respectfully requests that its Second Request for Extension of Confidential Classification be granted.

Respectfully submitted,

R. Wade Litchfield
Vice President & Associate General Counsel
John T. Butler
Senior Attorney
Jessica A. Cano
Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: (561) 304-5226
Facsimile: (561) 691-7135

By: 
Jessica A. Cano
Bar No. 0037372

CERTIFICATE OF SERVICE

I, THE UNDERSIGNED COUNSEL, HEREBY CERTIFY that a copy of the foregoing, without Exhibits, has been served by overnight delivery (*) or United States mail this 5th day of August, 2008, to the following:

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