

Jessica A. Cano
Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5226
(561) 691-7135 (Facsimile)

April 3, 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

RECEIVED-FPSC
08 APR -4 AM 10:40
COMMISSION
CLERK

Re: Docket No. 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's") Request for Confidential Classification of certain provided in response to hedging Data Request No.21, 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.

I am enclosing two redacted copies of the confidential documents that is the subject of the confidentiality request. Confidential documents were previously provided with the notice of intent to seek confidential classification filed March 14, 2008. Those documents are included herein by reference as "Exhibit A."

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

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL 1+Diskette
- OPC _____
- RCA Enclosure
- SCR _____
- SGA _____
- SEC _____
- OTH 1 conf records

Sincerely,

Karl M. Debi
Jessica A. Cano *for JAC*

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

DOCUMENT NUMBER-DATE

02615 APR-4 08

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: April 4, 2008

**REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF HEDGING INFORMATION**

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 response to hedging Data Request No. 21 that was served on FPL by the staff of the Florida Public Service Commission (“Staff”) on March 5, 2008 (“DR 21”). In support of its Request, FPL states as follows:

1. On March 5, 2008, Staff served hedging data requests numbered 1-26, in order to gather information on FPL’s volatility mitigation mechanism (“VMM”). FPL considers information in its response to DR 21 to be proprietary confidential business information. Accordingly FPL filed a notice of intent to seek confidential classification of that information on March 14, 2008, and included a copy of the confidential information therewith. Pursuant to Rule 25-22.006(3)(a), FPL has 21 days from the date of the notice of intent to file a formal request for confidential classification. This request is intended to request confidential classification of the confidential portions of FPL’s response to DR 21, consistent with Rule 25-22.006(3)(a).

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

a. The confidential documents were previously provided with the notice of intent to seek confidential classification filed March 14, 2008. Those documents are included herein by reference as “Exhibit A.”

DOCUMENT NUMBER-DATE

1

02615 APR-4 8

FPSC-COMMISSION CLERK

b. Exhibit B consists of an edited version of Exhibit A, on which all information that FPL asserts is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing an identification of the confidential information 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 Gerard J. Yupp who is the Senior Director of Wholesale Operations in the Energy Marketing and Trading Division.

3. FPL seeks confidential protection for the information provided in Exhibit A and identified in Exhibit C. The information is proprietary confidential confidential business information within the meaning of section 366.093(3). The information is intended to be, and has been, treated by FPL as confidential. Pursuant the Section 366.093, the information in Exhibit A 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 affidavit of Mr. Yupp indicates, the information provided is proprietary confidential business information within the meaning of Section 366.093(3) because it consists of 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 this trade-secret information would provide other fuel and electric power market participants insight into FPL's marketing and trading practices which would allow them to anticipate FPL's marketing and trading decisions

and would impair FPL's ability to negotiate, to the detriment of FPL and its customers. This information is protected by Section 366.093(3)(a).

5. Upon a finding by the Commission that the information in Exhibit A and referenced in Exhibit C is proprietary confidential business information within the meaning of Section 366.093(3), the information should not be declassified for a period of at least eighteen (18) months and should be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. *See* § 366.093(4), Fla. Stat.

WHEREFORE, FPL respectfully requests confidential classification of the data request response as described herein.

Respectfully submitted,

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

By: Kevin M. Butler for JAC
Jessica A. Cano
Fla. Bar No. 0037372

CERTIFICATE OF SERVICE
Docket No. 080001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification (*) has been furnished by overnight delivery (**) or U.S. Mail on the 3rd day of April, 2008, 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.
Steve Burgess, 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
Attorneys for Tampa Electric
P.O. Box 391
Tallahassee, Florida 32302

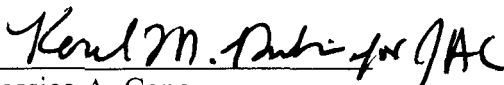
John T. Burnett, Esq.
Progress Energy Service Company, LLC
P.O. Box 14042
St. Petersburg, Florida 33733-4042

John W. McWhirter, Jr., Esq.
McWhirter Reeves
Attorneys for FIPUG
400 North Tampa Street, Suite 2450
Tampa, Florida 33602

Norman H. Horton, Jr., Esq.
Floyd R. Self, Esq.
Messer, Caparello & Self
Attorneys for FPUC
P.O. Box 1876
Tallahassee, Florida 32302-1876

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

Michael B. Twomey, Esq.
Attorney for AARP
Post Office Box 5256
Tallahassee, Florida 32314-5256

By: 
Jessica A. Cano

* The exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.