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OFFICE OF THE GENERAL COUNSEL
MICHAEL G. COOKE
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

October 18, 2007

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COMMISSION
CLERK

Norman H. Horton, Jr.
Messer, Caparello & Self, P.A.
Post Office Box 15579
Tallahassee, FL 32317

Re: Docket No. 070001-EI - Fuel and purchased power cost recovery clause with generating performance incentive factor.

- (A) Confidentiality Request for Document No. 08045-07, dated September 5, 2007
- (B) Confidentiality Request for Document No. 08743-07, dated September 25, 2007
- (C) Confidentiality Request for Document No. 09075-07, dated October 3, 2007
- (D) Confidentiality Request for Document No. 09213-07, dated October 9, 2007

Dear Mr. Horton,

Staff has reviewed the confidentiality requests listed above and has made a preliminary determination that the requests are deficient. It appears that the information for which confidentiality is requested is information which can be obtained through publicly available documents. Because this information appears to have been disclosed, it does not meet the statutory guidelines of section 366.093(3) Florida Statutes (F.S.), which defines "[p]roprietary confidential business information" as information that "has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public." (emphasis supplied) Furthermore, because the information appears to be available through public filings, the information does not qualify as "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." Section 366.093(3)(e), F.S.

RCA _____ Please provide any additional support for your confidentiality request by November 1, 2007.
SCR _____ Any additional support provided will be considered in the determination as to whether the information will receive confidential classification under section 366.093, F.S.

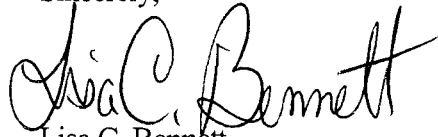
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Norman H. Horton, Jr.
Page 2
October 18, 2007

As always, if you have any questions, please do not hesitate to contact me at (850) 413-6230.

Sincerely,

A handwritten signature in black ink that reads "Lisa C. Bennett". The signature is written in a cursive style with a large, prominent "L" and "B".

Lisa C. Bennett
Senior Attorney

LCB:th

cc: Office of Commission Clerk