



October 19, 2007

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VIA HAND DELIVERY

Ms. Ann Cole
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

**Re: Florida Power & Light's Request for Confidential Classification for
Certain Materials Provided in Connection with Audit No. 07-221-4-1
Docket 070432-EI**

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 of certain materials provided in connection with Audit No. 07-221-4-1. The original includes Exhibits A, B, C, and D. The copies only include Exhibit C.

Exhibit A consists of copies of certain documents on which all information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit A is submitted for filing in a separate, sealed folder marked "EXHIBIT A-CONFIDENTIAL." Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C consists of FPL's justification for its Request for Confidential Classification. Exhibit D contains affidavits in support of FPL's Request for Confidential Classification. Also included in this filing is a computer diskette containing FPL's Request for Confidential Classification and Exhibit C in Word format.

Please do not hesitate to contact me should you or your Staff have any questions regarding this filing.

GCL 1 ± Diskette

Sincerely,

Natalie F. Smith

- CMP _____
- COM _____
- CTR _____
- ECR _____
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- OPC _____
- RCA _____
- SCR _____
- SGA _____ NFS:nn
- SEC _____ Enclosures
- OTH Leaf records

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for authority to use deferral) Docket No. 070432-EI
Accounting and for creation of a regulatory)
Asset for prudently incurred preconstruction)
Costs associated with development of clean coal)
Project, by Florida Power & Light Company) Filed: October 19, 2007

**REQUEST FOR CONFIDENTIAL
CLASSIFICATION OF CERTAIN MATERIALS
PROVIDED IN CONNECTION WITH
AUDIT NO. 07-221-4-1**

NOW, BEFORE THIS COMMISSION, through undersigned counsel, comes Florida Power & Light Company (“FPL”) and, pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093 of the Florida Statutes, hereby requests confidential classification of certain work papers provided to the Florida Public Service Commission (“FPSC” or “Commission”) staff (“Staff”) in connection with Staff Audit No. 07-221-4-1 (hereinafter the “Audit”). In support of its request, FPL states as follows:

1. During the Audit, Staff requested access to various FPL contracts and other documents. By letter dated September 28, 2007, Staff indicated its intent to retain certain audit work papers. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL was given 21 days from the date of the letter, or until October 19, 2007, to file a formal request for confidential classification with respect to such workpapers.

2. The following exhibits are included herewith and made a part hereof:

a. Exhibit A consists of all documents for which FPL seeks confidential treatment, whether in whole or in part. All information in Exhibit A that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit A is submitted separately in a sealed folder marked “CONFIDENTIAL.”

b. Exhibit B consists of edited versions of all documents for which FPL seeks

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confidential treatment. All information for which FPL requests confidential treatment has been redacted in Exhibit B.

c. Exhibit C is a table containing a line-by-line and page-by-page identification of the information for which confidential treatment is sought and, with regard to each document or portions thereof, references to the specific statutory basis or bases for the claim of confidentiality and to the affidavits in support of the requested classification. Exhibit C is sometimes referred to hereinafter as the “Justification Table.”

d. Exhibit D includes the affidavits of H. Antonio Cuba, Richard Blanchette, David Hicks, Joseph Daley, Thomas Atlee, Tancred King, Antonio J. Dovale, Jr., Margaret M. McKay, Mary Lou Kromer and Gene Ungar in support of this request.

3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. To the best of FPL’s knowledge, the highlighted information has not been publicly disclosed. Pursuant to Section 366.093, Florida Statutes, 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 affidavits of H. Antonio Cuba, Richard Blanchette, David Hicks, Joseph Daley, Thomas Atlee, Tancred King, Antonio J. Dovale, Jr., Margaret M. McKay, Mary Lou Kromer and Gene Ungar indicate, certain highlighted information consists of contractual vendor data, such as pricing and other terms, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms in the future to the detriment of FPL and its

customers. This information is protected by Section 366.093(3)(d), Florida Statutes. In addition, certain information is competitively sensitive insofar as FPL's contractors and vendors are concerned because disclosure of such information could afford their competitors an unfair advantage in competing for both FPL and non-FPL contracts. This competitively sensitive information is proprietary confidential business information pursuant to Section 366.093(3)(e), Florida Statutes. Other sensitive information includes employee personnel information, the disclosure of which could impair employees' personal right to privacy. This information is protected by Section 366.093(3)(f), Florida Statutes.

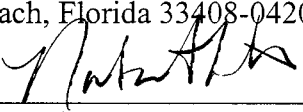
5. This proprietary confidential business information will continue to be competitively sensitive beyond an 18 month time frame, for at least 36 months. Therefore, this information should remain confidential for a period of not less than 36 months. In addition, the documents should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

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
Bryan Anderson
Patrick Bryan
Natalie F. Smith
Attorneys for Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420

By:



Natalie F. Smith

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Request for Confidential Classification, with Exhibit C only, has been furnished by United States Mail this 19th day of October, 2007, to the following:

Martha Brown, Esquire
Senior Attorney
Florida Public Service Commission
Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Charles J. Beck, Esquire
Interim Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400


By: 
Natalie F. Smith
Florida Bar No. 470200

EXHIBIT C

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: Petition for authority to use deferral accounting and for creation of a regulatory asset for prudently incurred preconstruction costs associated with development of clean coal project, by Florida Power & Light Company.
DOCKET NO. 070432-EI

Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
1 Audit Report	7	Y	ALL	(d), (e), (f)	David Hicks, Richard Blanchette, Mary Lou Kromer
1 Audit Report Annotated	6	Y	ALL	(d), (e), (f)	David Hicks, Richard Blanchette, Mary Lou Kromer
10 Document Requests	6	Y	ALL	(d), (e) (f)	David Hicks, Richard Blanchette, Mary Lou Kromer
17 Summary of Land	1	Y	ALL	(d), (e)	David Hicks
17-1 Land	2	Y	ALL	(d), (e)	David Hicks
17-1/1 Bid Form	2	Y	ALL	(d), (e)	David Hicks
17-2 Option Agreement	2	Y	ALL	(d), (e)	David Hicks,
17-2/1 Company Agreement	8	Y	ALL	(d), (e)	David Hicks
17-2/1-1 Purchase Option	1	N			
17-2/2 Issuance of Check	1	Y	ALL	(d), (e)	David Hicks
17-2/3 Termination	1	N			

	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
17-2/4	Termination	3	Y	ALL	(d), (e)	David Hicks
17-3	Purchase Option	2	Y	ALL	(d), (e)	David Hicks
17-3/1	Company Agreement	8	N			
17-3/2	Issuance of Check	1	Y	ALL	(d), (e)	David Hicks
17-3/3	Termination	1	N			
17-3/4	Termination	2	Y	ALL	(d), (e)	David Hicks
17-4	Company Agreement	8	N			
43	Summary of Expenses	7	Y	ALL	(d), (e), (f)	David Hicks, Richard Blanchette, Mary Lou Kromer
43-1	Estimated Costs	1	Y	ALL	(d), (e)	David Hicks
43-2	Engineering and Site Certification Costs	2	Y	ALL	(d), (e), (f)	David Hicks
43-2/1	Costs Reconciliation	1	Y	ALL	(d), (e), (f)	David Hicks
43-3	Sample Testing	9	Y	ALL	(d), (e), (f)	David Hicks
43-3/1	Contract	10	Y	ALL	(d), (e)	Richard Blanchette, Tancred King
43-3/1-1	Notice of Termination	2	Y	ALL	(d), (e)	Richard Blanchette, Tancred King
43-3/1-2	Notice of Termination	1	N			
43-3/2	Contract	15	Y	ALL	(d), (e)	Richard Blanchette, Antonio J. Dovale, Jr.

Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
43-3/2-1 Notice of Termination	1	N	ALL		
43-3/3 Contract	12	Y	ALL	(d), (e)	Richard Blanchette, Margaret M. McKay
43-3/3-1 Negotiation of Termination	1	Y	ALL	(d), (e)	Richard Blanchette
43-3/3-2 Negotiation of Termination	1	Y	ALL	(d), (e)	Richard Blanchette
43-3/3-3 Option to Exercise	4	Y	ALL	(d), (e)	Richard Blanchette, Margaret M. McKay
43-3/3-4 Contract Change Order	1	Y	ALL	(d), (e)	Richard Blanchette, Margaret M. McKay
43-3/3-5 Notice of Termination	1	N			
43-3/3-6 Audit Finding	2	Y	ALL	(d), (e)	Richard Blanchette
43-3/3-6/1 Contract Change Order	2	Y	ALL	(d), (e)	Richard Blanchette, Margaret M. McKay
43-3/3-6/2 Termination Fee	5	Y	ALL	(d), (e)	Tony Cuba
43-3/3-6/3 Termination Fee	4	Y	ALL	(d), (e)	Richard Blanchette, Margaret M. McKay
43-3/3-7 Notice of Termination	1	N			
43-3/3-8 Cancellation Agreement	2	Y	ALL	(d), (e)	Richard Blanchette
43-3/4 Contract	3	Y	ALL	(d), (e)	Richard Blanchette, Thomas Atlee

Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
43-3/4-1 Termination Payment	1	Y	ALL	(d), (e)	Richard Blanchette, Thomas Atlee
43-3/4-2 Contract	8	Y	ALL	(d), (e)	Richard Blanchette, Thomas Atlee
43-3/4-3 Contract	5	Y	ALL	(d), (e)	Richard Blanchette, Thomas Atlee
43-3/4-4 Notice of Termination	2	N			
43-3/6 Waver of Liens	8	Y	ALL	(d), (e)	Joseph Daley
43-3/6-1 Purchase Order	13	Y	ALL	(d), (e)	Joseph Daley
43-3/6-1/1 Termination Fee	1	Y	ALL	(d), (e)	Joseph Daley
43-3/7 Purchase Order	4	Y	ALL	(d), (e)	Mary Lou Kromer
43-3/8 Purchase Order	5	Y	ALL	(d), (e)	Gene Ungar
43-3/8-1 Scope of Work	2	Y	ALL	(d), (e)	Gene Ungar
43-3/9 Purchase Order	5	Y	ALL	(d), (e)	Richard Blanchette
43-3/10 Purchase Order	4	N			
43-3/10-1 Purchase Order	1	N			
43-3/11 Purchase Order	2	N			
43-3/12 Purchase Order	5	N	Page 4	(d), (e)	David Hicks
43-3/13 Purchase Order	13	Y	ALL	(d), (e)	Gene Ungar
43-3/14 Purchase Order	7	Y	ALL	(d), (e)	Richard Blanchette
43-3/15 Purchase Order	5	Y	ALL	(d), (e)	Richard Blanchette
43-3/15-1 Change to Purchase Order	6	Y	ALL	(d), (e)	Richard Blanchette
43-3/16 Purchase Order	5	Y	ALL	(d), (e)	Mary Lou Kromer
43-3/16-1 Purchase Order	2	Y	ALL	(d), (e)	Mary Lou Kromer
43-3/17 Purchase Order	3	Y	ALL	(d), (e)	Richard

Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
					Blanchette
43-3/17-1 Scope of Work	3	Y	ALL	(d), (e)	Richard Blanchette
43-3/18 Purchase Order	4	Y	ALL	(d), (e)	Mary Lou Kromer
43-3/19 Purchase Order	1	Y	ALL	(d), (e)	Richard Blanchette
43-3/21 Audit Finding	2	Y	ALL	(d), (e)	Richard Blanchette
43-3/21-1 Relocation Costs	4	Y	ALL	(f)	David Hicks
43-3/21-2 Relocation Costs	1	Y	ALL	(f)	David Hicks
43-3/21-3 Relocation Costs	1	Y	ALL	(f)	David Hicks
43-3/22 Audit Finding	1	Y	ALL	(d), (e)	Mary Lou Kromer
43-3/22-1 Audit Finding	3	Y	ALL	(d), (e), (f)	David Hicks, Mary Lou Kromer
43-3/22-2 Audit Finding	3	Y	ALL	(d), (e), (f)	David Hicks
43-4 Termination Fee	1	Y	ALL	(d), (e)	Richard Blanchette

STATE OF FLORIDA

COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
MATTHEW M. CARTER II
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: October 19, 2007

TO: Natalie S. Smith/Florida Power & Light

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 070432-EI or, if filed in an undocketed matter, concerning certain work papers in connection with Audit No. 07-221-4-1, 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.

DOCUMENT NUMBER-DATE
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FPSC-COMMISSION CLERK

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