

John T. Butler  
Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 304-5639  
(561) 691-7135 (Facsimile)  
E-mail: john\_butler@fpl.com

October 22, 2007

**-VIA OVERNIGHT DELIVERY -**

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

RECEIVED - FPOD  
07 OCT 23 AM 10:36  
COMMISSION  
CLERK

**Re: Docket No. 070001-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 Request for Confidential Classification of Information pursuant to Staff's Third Set of Interrogatories, No. 16, 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 is Word 2003. Please note that a copy of the response to Interrogatory No. 16 that contains highlighted and unredacted confidential information is enclosed with the original of the Request, in a separate sealed folder marked "Confidential".

If there are any questions regarding this transmittal, please contact me at 561-304-5639.

CMP \_\_\_\_\_

COM \_\_\_\_\_

CTR \_\_\_\_\_

ECR 1 + diskette  
Enclosure

GCL \_\_\_\_\_

cc: Counsel for parties of record (w/encl.)

OPC \_\_\_\_\_

RCA \_\_\_\_\_

SCR \_\_\_\_\_

SGA \_\_\_\_\_

SEC \_\_\_\_\_

OTH 1 cont  
records

Sincerely,

*Kevin M. Debi*  
John T. Butler *for JTB*

DOCUMENT NUMBER DATE

09656 OCT 23 5

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power ) DOCKET NO. 070001-EI  
Cost Recovery Clause and Generating )  
Performance Incentive Factor ) Filed: October 22, 2007

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED  
PURSUANT TO STAFF'S THIRD SET OF INTERROGATORIES (NO. 16)**

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 connection with Interrogatory No. 16, which was served by Staff on October 11, 2007. In support of its Request, FPL states as follows:

1. FPL served its answers to Staff's Third Set of Interrogatories on Monday, October 22, 2007 for overnight delivery to Staff on October 23, 2007. This request is being filed contemporaneously with the delivery of the answers to Staff and is intended to request confidential classification of the confidential portions of Interrogatory No. 16 (the "Confidential Discovery Response") consistent with Rule 25-22.006.

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

a. Composite Exhibit A consists of a copy of FPL's response to Interrogatory No. 16, on which all information that FPL asserts is entitled to confidential treatment has been highlighted. Composite Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

b. Composite Exhibit B consists of an edited version of Exhibit A on which all information in Interrogatory No. 16 that FPL asserts is entitled to confidential treatment has been redacted.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

c. Exhibit C is a table containing an identification of the information highlighted 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 Manager of Regulated Wholesale Power Trading in the Energy Marketing and Trading Division.

3. FPL seeks confidential protection for the information highlighted in Exhibit A. The highlighted information is proprietary confidential business information within the meaning of Section 366.093(3)(d) and (e) because it consists of fuel hedging information that comprises 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 that trade-secret information would provide other participants in the fuel and electric power markets insight into FPL's marketing and trading practices that would allow them to anticipate FPL's marketing and trading decisions and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers.

4 FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3). Pursuant to Section 366.093, such information is entitled to confidential treatment and it is exempt from the disclosure provisions of the public records law.

5. The highlighted information in Exhibit A is intended to be and is treated by FPL as private, and its confidentiality has been maintained.

6. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, is proprietary confidential business information, the information should not be declassified for a period of at least eighteen (18) months and should be returned to

FPL as soon as the information is no longer necessary for the Commission to conduct its business. *See* § 366.093(4).

**WHEREFORE**, FPL respectfully requests confidential classification of the Confidential Discovery Response as described herein.

Respectfully submitted,

R. Wade Litchfield, Esq.  
Vice President and Associate General Counsel  
John T. Butler, Esq.  
Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 304-5639  
Facsimile: (561) 691-7135

By: Kevin M. Dubni for JTB  
John T. Butler  
Fla. Bar No. 283479

**CERTIFICATE OF SERVICE**  
**Docket No. 070001-EI**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification of Information Provided Pursuant to Staff's Third Set of Interrogatories, No. 16 (\*) has been furnished by overnight delivery (\*\*) or U.S. Mail on the 22nd day of October, 2007, to the following:

Lisa Bennett, Esq. \*\*  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Charles J. Beck, 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  
117 South Gadsden Street  
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

James W. Brew, Esq.  
Brickfield, Burchette, Ritts & Stone, P.C  
Attorneys for PCS Phosphate  
1025 Thomas Jefferson Street, NW,  
Eighth Floor, West Tower  
Washington, DC 20007-5201

Lieutenant Colonel Karen White  
Captain Damund Williams  
AFCESA/ULT  
139 Barnes Drive  
Tyndall Air Force Base, Florida 32403

Cecilia Bradley  
Senior Assistant Attorney General  
Office of the Attorney General  
The Capitol – PL01  
Tallahassee, Florida 32399

By: Kerol M. Dubi for JTB  
John T. Butler

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

COMMISSIONERS:  
LISA POLAK EDGAR, CHAIRMAN  
MATTHEW M. CARTER II  
KATRINA J. MCMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK  
ANN COLE  
COMMISSION CLERK  
(850) 413-6770

**CONFIDENTIAL**

**Public Service Commission**

**ACKNOWLEDGEMENT**

DATE: October 23, 2007

TO: Florida Power & Light Company/J. Butler

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 070001-EI or, if filed in an undocketed matter, concerning certain information provided in connection with Interrogatory No. 16, 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  
09657 OCT 23  
FPSC - COMMISSION CLERK

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PSC Website: <http://www.floridapsc.com>

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)