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October 29, 2007

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COMMISSION  
CLERK

**-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: 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 First Request for Confidential Classification of information provided in connection with Staff's Fourth Set of Interrogatories Nos. 17, 18 and 20 and Staff's Second Request for Production of Documents Nos. 7, 9 and 13, together with the diskette is HD density, the operating system is Windows XP, and the word processing software in which the document appears is Word 2003. One copy of Exhibit A is enclosed in a separate folder marked "CONFIDENTIAL" and two copies of the redacted Exhibit B are enclosed. Please note that Exhibit D ( the affidavit of Terry O. Jones) enclosed with the filing is a copy. The original of Mr. Terry O. Jones' affidavit will be provided under separate cover.

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

CMP \_\_\_\_\_

COM \_\_\_\_\_

CTR \_\_\_\_\_

ECR \_\_\_\_\_

GCL 2 \_\_\_\_\_

OPC \_\_\_\_\_

RCA \_\_\_\_\_ Enclosure

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

SCR \_\_\_\_\_

SGA \_\_\_\_\_

SEC \_\_\_\_\_

OTH leave  
records

Sincerely,

*John T. Butler*  
John T. Butler *for JTB*

DOCUMENT NUMBER-DATE

09818 OCT 29 07

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

|                                     |   |                         |
|-------------------------------------|---|-------------------------|
| In re: Fuel and Purchased Power     | ) | Docket No. 070001-EI    |
| Cost Recovery Clause and Generating | ) |                         |
| <u>Performance Incentive Factor</u> | ) | Filed: October 29, 2007 |

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED  
PURSUANT TO STAFF'S FOURTH SET OF INTERROGATORIES (NOS. 17-41) AND  
SECOND REQUEST FOR THE PRODUCTION OF DOCUMENTS (NOS. 7-13)**

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 Interrogatories Nos. 17, 18, and 20 and Request for Production of Documents Nos. 7, 9, and 13, which were served by Staff on October 9, 2007. In support of its Request, FPL states as follows:

1. FPL served its answers to Staff's Fourth Set of Interrogatories and documents responsive to Staff's Second Request for Production of Documents on Friday, October 26, 2007 for overnight delivery to Staff on October 29, 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 FPL's responses to Interrogatories Nos. 17, 18, and 20 and Production of Documents Nos. 7, 9, and 13 (the "Confidential Discovery Responses"), consistent with Rule 25-22.006, Florida Administrative Code.

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 responses to Interrogatories Nos. 17, 18, and 20 and Production of Documents Nos. 7, 9, and 13 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."

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

b. Composite Exhibit B consists of an edited version of Exhibit A on which all information in Interrogatories Nos. 17, 18, and 20 as well as Production of Documents Nos. 7, 9, and 13 that FPL asserts is entitled to confidential treatment has been redacted.

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). Certain information relates to security measures, systems, or procedures of FPL. This information is protected by Section 366.093(3)(c). Certain other information relates to fuel pricing and other contractual data, the disclosure of which would impair FPL's ability to contract for fuel, fuel-related services, and other services on favorable terms. This information is protected by Section 366.093(3)(d). Additionally, the information provided relates to the competitive interests of FPL and the competitive interests of certain vendors from whom FPL purchases or has considered purchasing fuel and fuel related services, the disclosure of which would impair their competitive businesses. This information is protected by Section 366.093(3)(e).

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.

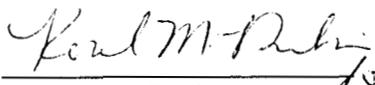
5. The highlighted information in Exhibit A is intended to be and is treated by FPL as private, and its confidentiality has been maintained.

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

By:   
John T. Butler *JTB*  
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 (\*) has been furnished by overnight delivery (\*\*) or U.S. Mail on the 26<sup>th</sup> day of October, 2007, to the following:

Lisa Bennett, Esq. \*\*  
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Florida Public Service Commission  
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Tallahassee, Florida 32399-0850

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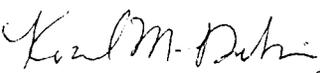
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The Capitol – PL01  
Tallahassee, Florida 32399

By:   
John T. Butler *for JTB*

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

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

# Public Service Commission

## ACKNOWLEDGEMENT

DATE: October 29, 2007

TO: John T. Butler, Esquire

FROM: Marguerite Lockard, Office of Commission Clerk

RE: **Acknowledgement of Receipt of Confidential Filing**

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This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 070001-EI or, if filed in an undocketed matter, concerning Responses to staff's 4th set of interrogatories (Nos. 17-41) and 2nd request for PODs (Nos. 7-13) [Confidential Document No. 09819-07]., 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.

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