

ORIGINAL

RECEIVED-FPSC

02 MAR -5 AM 8:08

COMMISSION
CLERK

850-577-9090

Peter Antonacci

pantonacci@ghrlaw.com

March 4, 2002

FEDERAL EXPRESS

Blanca S. Bayó, Director
Division of Records and Reporting
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0870

Re: Docket No.: 001148-EI
Publix Super Market Inc., Notice of Intent to Seek Confidential
Classification

Dear Ms. Bayó:

Enclosed please find the original and fifteen (15) copies of Publix Super Markets Inc., Notice of Intent to Seek Confidential Classification in the above-referenced docket. A copy of this filing has also been provided on a 1.44MB floppy disc in Word.

Sincerely,

Peter Antonacci

GRAY, HARRIS & ROBINSON, P.A.

PA:gcj

Enclosures

cc: All individuals on docketing service list

4160473\11 - # 25265.1

DOCUMENT NUMBER-DATE

02567 MAR-5 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Review of the retail
Rates of Florida Power & Light
Company

DOCKET NO. 001148-EI

Submitted for Filing:
March 4, 2002

**PUBLIX SUPER MARKETS, INC.'s NOTICE OF INTENT
TO SEEK CONFIDENTIAL CLASSIFICATION**

Pursuant to Section 366.093, Florida Statutes, and Fla. Admin. Code R. 25-22.006, Publix Super Markets, Inc. ("Publix") by and through its undersigned attorneys, hereby files notice of its intent to request confidential classification for the pre-filed direct testimony of Publix expert Sheree L. Brown, and in support thereof states as follows:

1. Publix requested and obtained through discovery from Florida Power & Light ("FPL") various documents and other information which have been deemed by FPL as confidential business records.
2. In order to receive such information from FPL, Publix was required to enter into a written Confidentiality Agreement.
3. Publix expert Sheree L. Brown, after signing the confidentiality acknowledgement required in the Agreement, reviewed such confidential information and incorporated by reference certain portions of that confidential information in her direct testimony which is being filed on March 4, 2002 in this docket (the "Testimony").
4. Publix has notified counsel for FPL that the Testimony will contain confidential FPL information and that FPL must file a request for confidential classification. Based on that conversation, it is the understanding of Publix that FPL will seek

such classification pursuant to Fla. Admin. Code R. 25-22.006.

5. An unredacted version of the Testimony will be delivered to the Florida Public Service Commission Division of Records and Recording in a sealed envelope with the confidential information highlighted by page or line (as appropriate) for confidential treatment. **This unredacted version of the Testimony should be afforded confidential treatment pending the filing by FPL of a Request for Confidential Classification and a decision on FPC's request by the Florida Public Service Commission.**
6. Publix will also submit with the Request for Confidential Classification fifteen edited sets of the Testimony with the confidential information redacted by line or page (as applicable).

Respectfully Submitted,

Thomas A. Cloud, Esquire
W. Christopher Browder, Esquire
Michael J. Bittman
Gray, Harris & Robinson, P.A.
301 East Pine Street, Suite 1400
Orlando, Florida 32801
Ph. (407) 843-8880
Fax: (407) 244-5690
and
Peter Antonacci, Esquire
Gray, Harris & Robinson, P.A.
301 South Bronough Street, Suite 600
Tallahassee, Florida 32302-3189
Ph. (850) 577-9090
Fax: (850) 222-7717
Attorneys for Publix Super Markets, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Federal Express to the following parties of record and interested parties, this 4th day of March 2002:

Parties of Record:

Office of Public Counsel
Roger Howe/Jack Shreve
111 West Madison Street, # 812
Tallahassee, Florida 32399
Fax No. 850-488-4491

Florida Industrial Power Users Group
c/o John W. McWhirter, Jr.
400 N. Tampa Street, Ste 2450
Tampa, Florida 33602
Fax No. 850-222-5606

McWhirter Reeves Law Firm
Vicki Gordon Kaufman
Joseph A. McGlothlin
117 South Gadsden Street
Tallahassee, Florida 32301
Fax No. 850-222-5606

John T. Butler, Esq.
Steel Law Firm
200 S. Biscayne Blvd.
Miami, FL 33131
Fax No. 305-577-7001

Andrews & Kurth Law Firm
Mark Sundback/Kenneth Wiseman
1701 Pennsylvania Ave., N.W.
Suite 300
Washington, DC 20006
Fax No. 202-662-2739

South Florida Hospital & Healthcare
Assoc.
Linda Quick
6363 Taft Street
Hollywood, FL 33024
Fax No. 954-962-1260

Michael Twomey, Esquire
Post Office Box 5256
Tallahassee, FL 32314-5256
Fax No. 850-421-8543

Robert V. Elias
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oaks Boulevard
Tallahassee, FL 32399-0850
Fax No. 850-413-6250

David Cruthirds, Esquire
Dynergy Inc.
1000 Louisiana Street, Suite 5800
Houston, Texas 77002-5050
(713) 507-6785 Phone
(713) 507-6834 Facsimile

PG&E National Energy Group Co.
Melissa Lavinson
7500 Old Georgetown Road
Bethesda, MD 20814
Fax No. 301-280-6913

Seminole Electric Cooperative, Inc.
Mr. Timothy Woodbury
16313 N. Dale Mabry Highway
Tampa, FL 33688-2000
Phone: 813-963-0994
Fax: 813-264-7906

CPV Atlantic, Ltd.
145 NW Central Park Plaza, Ste. 101
Port St. Lucie, FL 34986
Fax No. 561-873-4540

Duke Energy North America
Lee E. Barrett
5400 Westheimer Court
Houston, TX 77056-5310
Fax No. 713-627-6566

Reliant Energy Power Generation, Inc.
Michael Briggs
801 Pennsylvania Ave., Ste. 620
Washington, DC 20004
Fax No.

Florida Municipal Power Agency
Frederick M. Bryant
2061-2 Delta Way
Tallahassee, FL 32303
Fax No. 850-297-2014

Enron Corporation
Marchris Robinson
1400 Smith Street
Houston, TX 77002-7361
Phone: 713-853-3342
Fax: 713-646-8160

Mirant Americas Development, Inc.
Beth Bradley
1155 Perimeter Center West
Atlanta, GA 30338-5416
Fax No. 678-579-5293

Calpine Eastern
Thomas W. Kaslow
The Pilot House, 2nd Floor
Lewis Wharf
Boston, MA 02110
Fax: 617-557-5353

Foley & Lardner Law Firm
Thomas J. Maida/N. Wes Strickland
106 East College Ave., Ste. 900
Tallahassee, FL 32301
Fax No. 850-224-3101

Landers Law Firm
Leslie J. Paugh
P.O. Box 271
Tallahassee, FL 32302
Fax No. 850-224-5595

Moyle Law Firm
Jon C. Moyle/Cathy M. Sellers
118 North Gadsden Street
Tallahassee, FL 32301
Fax No. 850-681-8788

Florida Power & Light Company
Mr. Bill Walker
215 South Monroe St., Ste. 810
Tallahassee, FL 32301-1859
Fax: 850-224-7197

Florida Municipal Power Agency
Robert C. Williams
8553 Commodity Circle
Orlando, FL 32819-9002
Phone: 407-355-7767
Fax: 407-355-5794

Interested Parties:

Florida Power & Light Company
Mr. R. Wade Litchfield
700 Universe Blvd.
Juno Beach, Florida 33408-0420
Fax No. 561-691-7135

Steven H. McElhaney
2448 Tommy's Turn
Oviedo, FL 32766

Day, Berry Law Firm
G. Garfield/R. Knickerbocker/S. Myers
CityPlace I
Hartford, CT 06103-3499
Fax No. 860-275-0343

Florida Electric Cooperatives
Association, Inc.
Michelle Hershel
2916 Apalachee Parkway
Tallahassee, FL 32301
Fax No. 850-656-5485

Florida Industrial Co-Generation
Association
c/o Richard Zambo, Esquire
598 S.W. Hidden River Ave.
Palm City, FL 34990
Fax No. 561-220-9402

Homer O. Bryant
3740 Ocean Beach Blvd., Unit 704
Cocoa Beach, FL 32931
Fax:

Ausley Law Firm
James Beasley/Willis
P.O. Box 391
Tallahassee, FL 32302
Fax No. 850-222-7952

Black & Veach
Myron Rollins
P.O. Box 8405
Kansas City, MO 34114
Fax No. 913-339-2934

Colonial Pipeline Company
Jennifer May-Brust, Esq.
945 East Paces Ferry Road
Atlanta, GA 30326
Fax No. 404-841-2315

Sofia Solernou
401 S. MacArthur Ave.
Panama City, FL 32401
Fax: 850-914-0424
Ph: 850-591-3945

Florida Power Corporation
Paul Lewis, Jr.
106 East College Ave., Ste. 800
Tallahassee, FL 32301-7740
Fax No. 850-222-9768

Tampa Electric Company
Ms. Angela Llewellyn
Regulatory Affairs
Tampa, FL 33601-0111
Fax No. 813-228-1770

Holland & Knight
Bruce May
P.O. Drawer 810
Tallahassee, FL 32302-0810
Fax No. 850-224-8832

Town of Sewall's Point
Dawson Glover, III
One South Sewall's Point Road
Sewall's Point FL 34996
Fax: 561-220-4765

Thomas A. Cloud, Esquire
W. Christopher Browder, Esquire
Michael J. Bittman, Esquire
Gray, Harris & Robinson, P.A.
301 East Pine Street, Suite 1400
Orlando, Florida 32801
Ph. (407) 843-8880
Fax: (407) 244-5690
And
Peter Antonacci, Esquire
Gray, Harris & Robinson, P.A.
301 South Bronough Street, Suite 600
Tallahassee, Florida 32302-3189
Ph. (850) 577-9090
Fax: (850) 222-7717
Attorneys for Publix Super Markets, Inc.