

Natalie F. Smith
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Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 691-7207
(561) 691-7135 (Facsimile)

April 7, 2005

VIA OVERNIGHT MAIL

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
Betty Easley Conference Center
2540 Shumard Oak Boulevard, Room 110
Tallahassee, FL 32399-0850

050245-EI

**Re: Florida Power & Light Company's Request for Confidential Classification of
Materials Provided in Connection with Audit Control No. 04-230-4-10**

Dear Ms. Bayó:

Enclosed for filing are the original and seven (7) copies of Florida Power & Light Company's (FPL's) Request for Confidential Classification of Materials Provided in Connection with Audit Control No. 04-230-4-10. The original includes Exhibits A, B, C and D. The 7 copies only include Exhibit C.

Exhibit A consists of copies of certain documents obtained in connection with the above-referenced audit 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 an affidavit 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 Microsoft Word 2002 format.

In accord with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information in Exhibit A pending disposition of FPL's Request for Confidential Classification. Please do not hesitate to contact me should you or your Staff have any questions regarding this filing.

Sincerely,



Natalie F. Smith

NFS:ec

Enclosures

cc: Iliana H. Piedra, Audit Manager, FPSC (without enclosures)

DOCUMENT NUMBER-DATE
03437 APR-7 05
FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Florida Power & Light Company's)
Request for Confidential Classification)
Of Material Provided pursuant to)
Audit No. 04-230-4-10)

Docket No:
Filed: April 7, 2005

**REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF MATERIALS PROVIDED IN AUDIT NO. 04-230-4-10**

NOW, BEFORE THIS COMMISSION, through undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to rule 25-22.006 of the Florida Administrative Code and section 366.093 of the Florida Statutes, hereby requests confidential classification of certain materials provided to the Florida Public Service Commission ("FPSC" or "Commission") staff ("Staff") in connection with the staff audit identified as Audit Control No. 04-230-4-10 (hereinafter the "Audit"). In support of its Request, FPL states as follows:

1. Petitioner's name and address are:

Florida Power & Light Company
P.O. Box 029100
Miami, Florida 33102-9100

Orders, notices, or other pleadings related to this request should be served on:

William G. Walker, III
Florida Power & Light Company
Vice President
215 South Monroe Street
Suite 810
Tallahassee, Florida 32301-1859
(850) 224-7595

R. Wade Litchfield, Esq.
Natalie F. Smith, Esq.
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
(561) 691-7207
(561) 691-7135 Facsimile

2. During the Audit, Staff requested access to various FPL reports and other documents. By letter dated March 17, 2005 Staff indicated its intent to retain certain workpapers for which confidential treatment previously had been requested. Pursuant to Rule 25-22.006(3)(a), FPL was given twenty-one days from the date of the letter, or until April 7, 2005, within which to file a formal Request for Confidential Classification with respect to such workpapers. FPL hereby submits such request.

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

a. Composite 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. Composite Exhibit A is submitted separately in a sealed folder or carton marked "CONFIDENTIAL."

b. Composite Exhibit B consists of edited versions of all documents for which FPL seeks confidential treatment. All information FPL asserts is entitled to confidential treatment has been redacted in Composite 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 is the affidavit of Carmen M. Perez.

4. FPL seeks confidential protection for the information highlighted in Exhibit A. This information principally consists of FiberNet's financial operating results, contract and pricing

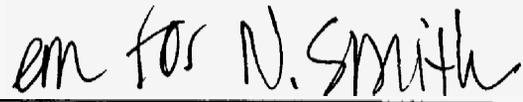
information, and cost data. The information also includes detailed descriptions of FiberNet's telecommunications system and equipment that would tend to reveal FiberNet's system capabilities and/or deficiencies. This information, if made public, would afford FiberNet's competitors an unfair advantage over FiberNet and would impair FiberNet's efforts to enter into contracts on commercially favorable terms. Disclosure of pricing and other contractual terms could also impair the competitive business of FiberNet's customers.

5. FPL submits that the highlighted information 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 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.

6. Upon a finding by the Commission that the material in Exhibit A for which FPL seeks confidential treatment is proprietary confidential business information, pursuant to section 366.093(4) such materials should not be declassified for 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.

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,

Handwritten signature in black ink that reads "em for N. Smith". The signature is written in a cursive, somewhat informal style.

Natalie F. Smith
Attorney for
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
(561) 691-7207

EXHIBIT “C”

JUSTIFICATION TABLE

EXHIBIT C

COMPANY: FPL FiberNet
TITLE: List of Confidential Workpapers
AUDIT: FPL FiberNet, Review 2003 Revenue Assessment Fee Audit
AUDIT CONTROL NO: 04-230-4-10

Workpaper No.	Description	No. of Pages	Conf Y/N	Line No/Col No.	Florida Statute	Affiant
					366.093(3) Subsection	
1	Memo	5	Y	All	(e)	C. Perez
10-2	Document Record Request	1	Y	Lines 1-11	(e)	C. Perez
10-5	Document Record Request	1	Y	Lines 1-14	(e)	C. Perez
10-6	Document Record Request	1	Y	Lines 1-9	(e)	C. Perez
10-7	Document Record Request	1	Y	Lines 1-4	(e)	C. Perez
10-8	Document Record Request	1	Y	Lines 1-3	(e)	C. Perez
12	Trial Balance	3	Y	All	(e)	C. Perez
12-1	Income Statement	2	Y	All	(e)	C. Perez
12-2	Income Statement	3	Y	All	(e)	C. Perez
12-3	Tax Return	18	Y	P.1, Lines 1,4-7. P.2, Lines 1-3, Col. C; Line 4, Col. A-C; Lines 5-22, Col. C; Line 23, Col. B; Line 24, Col. B-C; Lines 25-31, Col. C; Line 32, Col. B-C; Lines 33-34, Col. C; Lines 35-36, Col. A; Lines 37, Col. A-B; Lines 38-39, Col. B; Line 40, Col. B-C; Lines 41-44, Col. C. P.3, Line 1. P.4, Line 1. P.5, Line 1; Line 2, Col. C, E; Line 3, Col. B,D; Line 4, Col B-E; Line 8, Col C,E; Line 12, Col. B,D; Line 13, Col. B-E; Lines 19-21, 23, 26, 28, 30, 33, Col.	(e)	C. Perez

Workpaper No.	Description	No. of Pages	Conf Y/N	Line No/Col No.	Florida Statute 366.093(3) Subsection	Affiant
				C,E; Lines 34, 35, 37, Col. B; Lines 39, 41, Col. A; Line 42, Col. D,E; Line 43, Col. A,B,E; Line 44, Col. B,E; Lines 45,46, Col. B; Line 47, Col B,E. Page 6, Lines 1,2,4,8, 19, Col. C; Lines 21-24, Col. B, Lines 25,26,28, Col. C. Page 7, Lines 1,2, Col.C; L , Col. B; Line 6, Col. A; Line 12, Col. B; Line 13, Col. C; Lines 38, 39, Col. C. Page 8, Line 1; Lines 16, 19, Col. B; Lines22, 23, 25, 29, Col. A, B; Line 34, Col. B. Page 9, Lines 1, 21, 22. Page 10, Lines 1,2,7,10,11,18. Page 11, Line 1. Page 12, Lines 1,5,6. Page 13, Lines 1, 3-12. Page 14, Lines 1, 3-13. Page 15, Lines 3-19, Col. B,C. Page 16, Lines 5-29, Col. B,C. Page 17, Lines 1-24, Col. B. Page 18, Lines 1-		
12-4	Memo	1	Y	All	(e)	C. Perez
41	Summary	2	Y	All	(e)	C. Perez
41-1/1	Revenue Stats	3	Y	All	(d),(e)	C. Perez
41-2/1	Revenue Stats	4	Y	All	(d),(e)	C. Perez
41-2/2	Payments to Carriers	1	Y	All	(d),(e)	C. Perez
41-2/2-1	Payments to Carriers	2	Y	All	(d),(e)	C. Perez
41-2/2-2	Payments to Carriers	5	Y	All	(d),(e)	C. Perez
41-2/2-2/1	Explanations	3	Y	All	(d),(e)	C. Perez
41-2/2-2/1-1	Invoice	3	Y	All	(d),(e)	C. Perez
41-2/2-2/1-2	Invoice	3	Y	All	(d),(e)	C. Perez
41-2/2-2/1-3	Invoice	4	Y	All	(d),(e)	C. Perez
41-2/2-2/1-4	Invoice	1	Y	All	(d),(e)	C. Perez
41-2/2-2/1-5	Invoice	2	Y	All	(d),(e)	C. Perez

Workpaper No.	Description	No. of Pages	Conf Y/N	Line No/Col No.	Florida Statute 366.093(3) Subsection	Affiant
41-2/2-2/1-6	Invoice	2	Y	All	(d),(e)	C. Perez
41-2/2-2/1-7	Invoice	2	Y	All	(d),(e)	C. Perez
41-2/2-2/1-7/1	Invoice	2	Y	All	(d),(e)	C. Perez
41-2/2-2/1-8	Invoice	2	Y	All	(d),(e)	C. Perez
41-2/2-2/1-9	Invoice	2	Y	All	(d),(e)	C. Perez
41-2/2-2/1-10	Invoice	2	Y	All	(d),(e)	C. Perez
41-2/2-2/2	Invoice	88	Y	All	(d),(e)	C. Perez
41-2/2-2/3	Invoice	2	Y	All	(d),(e)	C. Perez
41-2/2-2/4	Invoice	2	Y	All	(d),(e)	C. Perez
41-2/2-2/5	Invoice	1	Y	All	(d),(e)	C. Perez
41-2/2-2/6	Invoice	1	Y	All	(d),(e)	C. Perez
41-2/2-2/7	Invoice	1	Y	All	(d),(e)	C. Perez
41-2/2-2/8	Invoice	1	Y	All	(d),(e)	C. Perez
41-2/2-2/9	Invoice	1	Y	All	(d),(e)	C. Perez
41-2/2-3	Payments to Carriers	3	Y	All	(d),(e)	C. Perez
41-2/2-4	Payments to Carriers	1	Y	All	(d),(e)	C. Perez
41-2/2-5	Payments to Carriers	3	Y	All	(d),(e)	C. Perez
41-2/2-6	Payments to Carriers	5	Y	All	(d),(e)	C. Perez
41-3	Calculations	2	Y	All	(d),(e)	C. Perez
41-4	Calculations	1	Y	All	(d),(e)	C. Perez
						C. Perez
42	E Mail	1	Y	All	(e)	C. Perez
42-1	FiberNet Product Offering	3	Y	All	(e)	C. Perez
42-2	FiberNet Filing	1	Y	Line 3, Col. C,D; lines 5-8, Col. D; line 11, Col. D, lines 12-16.	(e)	C. Perez

EXHIBIT "D"

AFFIDAVIT

EXHIBIT D

**BEFORE THE FLORIDA
PUBLIC SERVICE COMMISSION**

In re: Florida Power & Light Company's)
Request for Confidential Classification)
Of Material Provided pursuant to)
Audit No. 04-230-4-10)

Docket No:

Filed: April 7, 2005

STATE OF FLORIDA)
MIAMI-DADE COUNTY)

AFFIDAVIT OF CARMEN M. PEREZ

BEFORE ME, the undersigned authority, personally appeared Carmen M. Perez, who, being first duly sworn, deposes and says:

1. My name is Carmen M. Perez. I am currently employed by FPL Fibernet, LLC as Controller. My business address is 9250 West Flagler Street, Miami, Florida, 33174. I have personal knowledge of the matters stated in this affidavit.

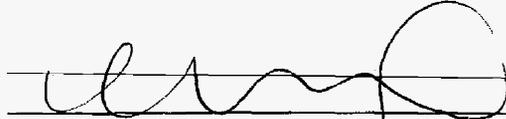
2. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant and which are included in Exhibit A to FPL's Request for Confidential Classification. Documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information include FiberNet's financial operating results, contract and pricing information, and cost data. In addition, the information includes detailed descriptions of FiberNet's telecommunications system and equipment that would tend to reveal FiberNet's system capabilities and/or deficiencies. This information, if made public, would afford FiberNet's competitors an unfair advantage over FiberNet and would impair FiberNet's efforts to enter into contracts on commercially favorable terms. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they 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.

4. Affiant says nothing further.


Camen M. Perez

SWORN TO AND SUBSCRIBED before me this 4 day of April, 2005, by Carmen M. Perez, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.


Notary Public, State of Florida

My Commission Expires:

