



Jessica Cano
 Attorney
 Florida Power & Light Company
 700 Universe Boulevard
 Juno Beach, FL 33408-0420
 (561) 304-5226
 (561) 691-7135 (Facsimile)

August 31, 2007

VIA OVERNIGHT DELIVERY

Ms. Ann Cole
 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

RECEIVED FPSC
 07 AUG 31 PM 4:22
 COMMISSION
 CLERK

070626 *SR*
~~070000~~

Re: Florida Power & Light's Request for Confidential Classification of
 Documents Provided at Staff's Request

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 provided to Staff at their request. The original includes Exhibits A, B, C and D. The seven (7) copies do not include exhibits.

Exhibit A consists 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. Composite Exhibit D contains three affidavits in support of FPL's Request for Confidential Classification. Also included with this filing is a computer diskette containing FPL's Request for Confidential Classification and Exhibit C in Word format.

Please contact me if you or your Staff have any questions regarding this filing.

Sincerely,

Jessica Cano
 Jessica Cano, Esq.

Enclosures

CC: Katherine Fleming (without exhibits)

Request CC *Confidential*
 DOCUMENT NUMBER-DATE DOCUMENT NUMBER-DATE

07917 AUG 31 5 07918 AUG 31 5

- CMP _____
- COM _____
- CTR _____
- ECR Disk
- GCL 1
- OPC _____
- RCA _____
- SCR _____
- SGA _____
- SEC _____

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Staff's Data Request)
of August 22, 2007)
_____)

Docket No: 070000 ^{070626-EI}
Filed: August 31, 2007

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

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 material provided to the Florida Public Service Commission ("Commission") staff ("Staff") at their request. In support of its request, FPL states as follows:

1. On August 22, 2007, Staff requested that FPL file certain confidential documents.
2. The following exhibits are included and made a part of this request:
 - a. Exhibit A consists of the documents for which FPL seeks confidential treatment. 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 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

DOCUMENT NUMBER-DATE

07917 AUG 31 5

FPSC-COMMISSION CLERK

of confidentiality and to the affidavits in support of the requested classification.

d. Composite Exhibit D includes the affidavits of C. Dennis Brandt, Paul Markovich, and Joseph Barclay.

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, 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 provided in Composite Exhibit D indicate, the information provided by FPL includes contractual terms and information which is proprietary confidential business information under Section 366.093(3)(d) and (e), Florida Statutes. The disclosure of this information would impair the efforts of FPL to contract for goods or services on favorable terms. *See*, 366.093(3)(d), Fla. Stat. (2007). It also relates to the competitive interests of each of the other parties to the contracts, the disclosure of which would adversely affect their competitive businesses. *See*, 366.093(3)(e), Fla. Stat. (2007). As a result, the information provided is protected from public disclosure.

5. Upon a finding by the Commission that the material in Exhibit A for which FPL seeks confidential treatment is proprietary confidential business information within the meaning of Section 366.093(3), such information should not be declassified for a period of at least thirty-six (36) months. This material will continue to be proprietary confidential business information

after eighteen (18) months, the amount of time typically afforded for confidential classification. Additionally, these contracts provide for effective terms that exceed the next eighteen (18) months. This request is consistent with Commission precedent, which has ordered confidential classification for up to thirty-six (36) months in the past. *See, e.g., In Re: Request for Confidential Classification of Florida Power & Light Company, Docket No. 971298-EI, Order No. 99-0473-CFO-EI (Dated March 8, 1999).* Therefore, confidential classification should continue for thirty-six (36) months, and the material provided should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business, pursuant to Section 366.093(4).

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,

Jessica Cano
Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420

By: Jessica Cano
Jessica Cano

Exhibit A

CONFIDENTIAL DOCUMENTS

(SUBMITTED SEPARATELY)

Exhibit B

REDACTED DOCUMENTS

Exhibit C

Justification Table

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Documents
DOCKET NO. Undocketed

Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
Green Mountain Energy Company & FPL Contract	32	Y	ALL	(d), (e)	P. Markovich, C. Dennis Brandt
Sterling Planet & FPL Contract	14	Y	ALL	(d), (e)	J. T. Barclay, C. Dennis Brandt

Exhibit D

AFFIDAVITS

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

STATE OF FLORIDA)
)
MIAMI-DADE COUNTY)

AFFIDAVIT OF C. DENNIS BRANDT

BEFORE ME, the undersigned authority, personally appeared C. Dennis Brandt who, being first duly sworn, deposes and says:

1. My name is C. Dennis Brandt. I am currently employed by Florida Power & Light Company ("FPL") as Director, Product Management and Operations. 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 that are included in Exhibit A to FPL's Request for Confidential Classification of Information. Documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute 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. Further, certain information claimed confidential contains or constitutes competitively sensitive data, the disclosure of which could impair the competitive business of the provider of the information. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. 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.

4. Affiant says nothing further.

C. Dennis Brandt
C. Dennis Brandt

SWORN TO AND SUBSCRIBED before me this 29th day of August 2007, by C. Dennis Brandt, who is personally known to me or who has produced (personally known) (type of identification) as identification and who did take an oath.

Monica Lynn Padron
Notary Public, State of Florida

My Commission Expires: December 18, 2010

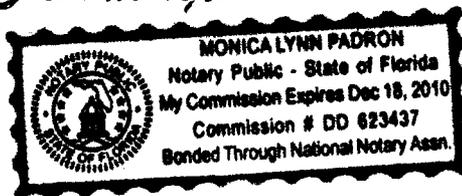


EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

STATE OF TEXAS)
)
TRAVIS COUNTY)

AFFIDAVIT OF PAUL MARKOVICH

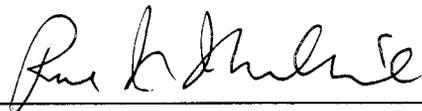
BEFORE ME, the undersigned authority, personally appeared Paul Markovich who, being first duly sworn, deposes and says:

1. My name is Paul Markovich. I am currently employed by Green Mountain Energy Company (GMEC) as Senior Vice President. My business address is 300 West 6th Street, 9th Floor, Austin, Texas. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents that are included in Exhibit A to FPL's Request for Confidential Classification of Information. Documents or materials that I have reviewed and which are asserted by GMEC to be proprietary confidential business information contain or constitute contractual vendor data, such as pricing and other terms. Further, certain information claimed confidential contains or constitutes competitively sensitive data, the disclosure of which could impair the competitive business of GMEC. To the best of my knowledge, GMEC has maintained the confidentiality of these documents and materials.

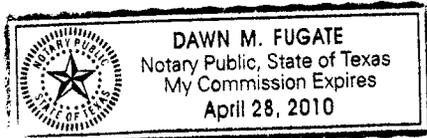
3. This proprietary confidential business information will continue to be competitively sensitive beyond an 18 month time frame, for at least 36 months. Therefore, this information should remain confidential for a period of not less than 36 months. In addition, the documents should be returned to FPL 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.

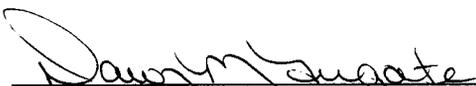
4. Affiant says nothing further.



Paul Markovich

SWORN TO AND SUBSCRIBED before me this 29th day of August 2007, by Paul Markovich, who is personally known to me or who has produced TX DRIVERS LICENSE (type of identification) as identification and who did take an oath.





Notary Public, State of Texas

My Commission Expires:
APRIL 28, 2010

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

STATE OF GEORGIA)
)
FULTON COUNTY)

AFFIDAVIT OF JOSEPH T. BARCLAY

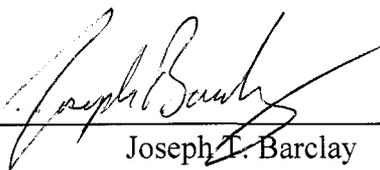
BEFORE ME, the undersigned authority, personally appeared Joseph T. Barclay who, being first duly sworn, deposes and says:

1. My name is Joseph T. Barclay. I am currently employed by Sterling Planet, Inc. (SPI) as Vice President, Procurement. My business address is 3295 River Exchange Drive, Suite 300, Norcross, Georgia 30092. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents that are included in Exhibit A to FPL's Request for Confidential Classification of Information. Documents or materials that I have reviewed and which are asserted by SPI to be proprietary confidential business information contain or constitute contractual vendor data, such as pricing and other terms. Further, certain information claimed confidential contains or constitutes competitively sensitive data, the disclosure of which could impair the competitive business of SPI. To the best of my knowledge, SPI has maintained the confidentiality of these documents and materials.

3. 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.

4. Affiant says nothing further.



Joseph T. Barclay

SWORN TO AND SUBSCRIBED before me this 29 day of August 2007, by Joseph T. Barclay, who is personally known to me or who has produced GA LICENSE (type of identification) as identification and who did take an oath.

My Commission Expires
Sheryl A. King
Notary Public, Fulton County, Georgia
My Commission Expires February 6, 2011



Notary Public, State of Georgia

Sheryl A. King
Notary Public, Fulton County, Georgia
My Commission Expires February 6, 2011

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MATTHEW M. CARTER II
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NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA



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

Public Service Commission

ACKNOWLEDGEMENT

DATE: August 31, 2007

TO: Jessica Cano/Fpl

FROM: Matilda Sanders, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 070000-OT or, if filed in an undocketed matter, concerning Staff's Data Request of 08/22/07, and filed on behalf of Fpl. 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
07918 AUG 31 20
FPSC-COMMISSION CLERK

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Public Service Commission

M-E-M-O-R-A-N-D-U-M

DATE: September 6, 2007

TO: _____ OFFICE OF THE GENERAL COUNSEL
_____ DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT
XX _____ DIVISION OF ECONOMIC REGULATION
_____ DIVISION OF REGULATORY COMPLIANCE AND
_____ CONSUMER ASSISTANCE

FROM: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCUMENT NO(s): 07918-07

DESCRIPTION: FPL (Cano) - (CONFIDENTIAL) FPL (Cano) - (CONFIDENTIAL)
Response to staff's 8/22/07 request for documents.

SOURCE: Florida Power & Light Company

DOCKET NO(s): 070000-OT

The above material was received with a request for confidential classification. Please prepare a recommendation for the attorney assigned to the case by completing the section below and forwarding a copy of this memorandum, together with a brief memorandum supporting your recommendation, to the attorney. Copies of your recommendation should also be provided to the Division of the Commission Clerk and Administrative Services, Bureau of Records and Hearing Services, and to the Office of General Counsel.