

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

January 25, 2008

**-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

RECEIVED-FPSC  
08 JAN 28 PM 3:55  
COMMISSION  
CLERK

**Re: Florida Power & Light Company's Second Extension of Confidential Classification Granted by Order No. PSC-06-0638-CFO-EI in Docket No. 060001-EI**

Dear Ms. Cole:

I enclose for filing in the above-referenced matter the original and two copies of Florida Power & Light Company's ("FPL") Second Request for Extension for Extension of Confidential Classification of Materials provided in Audit No. 04-096-4-1 (FPL Fuel Cost Recovery Clause Audit for Year ended December 31, 2003). Exhibits A, B and C from the previous filing subject to Order No. PSC-06-0638-CFO-EI are incorporated herein by reference

Attached is Exhibits D containing the affidavits in support of FPL's Second Request for Extension of Confidential Classification. Also included herewith is a computer diskette containing FPL's Second Request in word Format. Please contact me should you or your staff have any questions regarding this filing.

(Comp. DNS  
06511-04 & 06981-04)

Sincerely,

*Jessica A. Cano*  
Jessica A. Cano *for GAC*

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL   1
- OPC \_\_\_\_\_
- RCA   1
- SCR \_\_\_\_\_
- SGA \_\_\_\_\_
- SEC \_\_\_\_\_
- OTH   1 conf recbrds

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

DOCUMENT NUMBER-DATE  
00687 JAN 28 08  
FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and purchased power )  
cost recovery clause with generating )  
performance incentive factor )

Docket No. 080001-EI  
Filed: January 28, 2007

**SECOND REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF  
MATERIALS PROVIDED IN AUDIT NO. 04-096-4-1**

**NOW BEFORE THIS COMMISSION**, through the 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 submits its Second Request for Extension of Confidential Classification of certain material provided to the Florida Public Service Commission (“FPSC” or “Commission”) staff (“Staff”) in connection with the Fuel Cost Recovery Clause Audit (Audit Control No. 04-096-4-1) (the “Audit”). In support of this Second Request for Extension of Confidential Classification, 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:

John T. Butler, Esq.  
Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33048

2. On March 22, 2006, FPL filed its First Request for Extension of Confidential Classification of certain materials obtained during the Audit, which incorporated by reference the previously provided Exhibits A, B and C, and included revised Exhibit D. FPL adopts and incorporates by reference its March 22, 2006 Request, including Exhibits A, B, C and D thereto.

DOCUMENT NUMBER-DATE

3. By Order No. PSC-06-0638-CFO-EI, dated July 28, 2006, the Commission granted FPL's March 22, 2006 Request.

4. The period of confidential treatment granted by Order No. PSC-06-0638-CFO-EI will soon expire. All of the information that was the subject of FPL's March 22, 2006 Request warrants continued treatment as proprietary and confidential business information within the meaning of section 366.093(3). Accordingly, FPL hereby submits its Second Request for Extension of Confidential Classification.

5. Included herewith and made a part hereof as Exhibit D (Revised) are the affidavits of Raul Montenegro, Antonio Maceo and Gerard Yupp which shall supplement the Exhibit D previously filed.

6. FPL submits that the information identified on Exhibit C to the March 22, 2006 Request continues to be proprietary confidential business information within the meaning of section 366.093(3). Pursuant to section 366.093, such materials are entitled to confidential treatment and are 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.

7. As the affidavits of Raul Montenegro, Antonio Maceo, and Gerard Yupp indicate, the information that FPL asserts is proprietary and confidential business information includes information related to the internal auditing reports and associated documents. Such information is proprietary confidential business information pursuant to section 366.093(3)(b).

8. Additionally, other information that FPL asserts is proprietary confidential business information includes data related to FPL's fuel and power purchase transactions and to FPL's practices and procedures for such transactions. The disclosure of such information would inhibit FPL's ability to enter into power purchase transactions on favorable terms for the benefit of its customers in the future and/or would impair the competitive interests of FPL. Certain of the information would also place FPL at a disadvantage when coupled with other information that is publicly available. This information is protected from disclosure by sections 366.093(3)(d) and (e).

9. FPL requests that the information included in Attachment A be accorded confidential classification for an additional 18-month period. FPL further requests that the information be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business.

**WHEREFORE**, for the above and forgoing reasons, as more fully set forth in the supporting materials and affidavits included herewith and incorporated herein by reference, Florida Power & Light Company respectfully requests that its Second Request for Extension of Confidential Classification be granted.

Respectfully submitted,

R. Wade Litchfield, Esq.  
Vice President and Associate General Counsel  
John T. Butler, Esq.  
Senior Attorney  
Jessica A. Cano  
Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 304-5226  
Facsimile: (561) 691-7135

By: Kouel M. Dubin for QAC  
Jessica A. Cano  
Florida Bar No. 0037372

**CERTIFICATE OF SERVICE**  
**Docket No. 080001-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by overnight delivery (\*) or United States mail this 25th day of January, 2008, to the following:

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

J. R. Kelly, Esq.  
Steve Burgess, 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.  
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400 North Tampa Street, Suite 2450  
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Messer, Caparello & Self  
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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

By: Korel M. Debi for JAC  
Jessica A. Cano

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery ) DOCKET NO. 080001-EI
Clause with Generating Performance Incentive Factor )

STATE OF FLORIDA )
) AFFIDAVIT OF RAUL MONTENEGRO
MIAMI-DADE COUNTY )

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

1. My name is Raul Montenegro. I am currently employed by Florida Power & Light Company ("FPL") as Business Manager of Purchased Power Contracts. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C and the documents which are included in Exhibit A to FPL's Request for Confidential Classification of information obtained in connection with Audit No. 04-096-4-1. The documents and materials that I have reviewed and that FPL asserts in Exhibit C to be proprietary confidential business information contain or constitute data related to FPL's power purchase transactions. The disclosure of such information would inhibit FPL's ability to enter into power purchase transactions on favorable terms for the benefit of its customers in the future and/or would impair the competitive interests of FPL. Certain of the information would also place FPL at a disadvantage when coupled with other information that is publicly available. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. No significant changes have occurred since the issuance of Order No. PSC-06-0638-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than eighteen months. These materials should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct business so that FPL can continue to maintain confidentiality of these documents.

4. Affiant says nothing further.

[Handwritten signature of Raul Montenegro]
Raul Montenegro

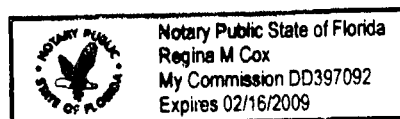
SWORN TO AND SUBSCRIBED before me this 24th day of January, 2008, by Raul Montenegro, who is personally known to me or who has produced (type of identification) as identification and who did take an oath.

[Handwritten signature of Regina M Cox]
Notary Public, State of Florida

DOCUMENT NUMBER-DATE

00687 JAN 28 08

FPSC-COMMISSION CLERK



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery ) DOCKET NO. 080001-EI
Clause with Generating Performance Incentive Factor )

STATE OF FLORIDA )
) AFFIDAVIT OF ANTONIO MACEO
MIAMI-DADE COUNTY )

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

1. My name is Antonio Maceo. I am currently employed by Florida Power & Light Company ("FPL") as Manager of Internal Auditing. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C and the documents which are included in Exhibit A to FPL's Request for Confidential Classification of information obtained in connection with Audit No. 04-096-4-1. The document and materials that I have reviewed and that FPL asserts in Exhibit C to be proprietary confidential business information contain or constitute internal auditing controls and reports of internal auditors or information relating to the same. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials

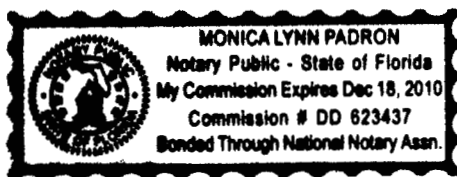
3. No significant changes have occurred since the issuance of Order No. PSC-06-0638-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than eighteen months. These materials should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct business so that FPL can continue to maintain confidentiality of these documents.

4. Affiant says nothing further.

[Handwritten signature of Antonio Maceo]
Antonio Maceo

SWORN TO AND SUBSCRIBED before me this 24th day of January, 2008, by Antonio Maceo, who is personally known to me or who has produced FL ID (type of identification) as identification and who did take an oath.

[Handwritten signature of Monica Lynn Padron]
Notary Public, State of Florida



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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery ) DOCKET NO. 080001-EI
Clause with Generating Performance Incentive Factor )

STATE OF FLORIDA )
) AFFIDAVIT OF GERARD J. YUPP
PALM BEACH COUNTY )

BEFORE ME, the undersigned authority, personally appeared Gerard J. Yupp who, being first duly sworn deposes and says:

1. My name is Gerard J. Yupp. I am currently employed by Florida Power & Light Company ("FPL") as Director of Wholesale Operations in The Energy Marketing and Trading Division. I have personal knowledge of the matters stated in this affidavit.

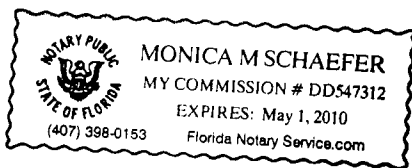
2. I have reviewed Exhibit C and the documents which are included in Exhibit A to FPL's Request for Confidential Classification of information obtained in connection with Audit No. 04-096-4-1. The document and materials that I have reviewed and that FPL asserts in Exhibit C to be proprietary confidential business information contain or constitute data related to FPL's fuel and power purchase transactions and to FPL's practices and procedures for such transactions, the disclosure of which would inhibit the ability of FPL to contract on favorable terms for the benefit of its customers in the future and/or would impair the competitive interests of FPL. Certain of the information would also place FPL at a disadvantage when coupled with other information that is publicly available.

3. No significant changes have occurred since the issuance of Order No. PSC-06-0638-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than eighteen months. These materials should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct business so that FPL can continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.

Handwritten signature of Gerard J. Yupp
Gerard J. Yupp

SWORN TO AND SUBSCRIBED before me this 23rd day of January, 2008, by Gerard Yupp, who is personally known to me or who has produced personally known (type of identification) as identification and who did take an oath.



Handwritten signature of Monica M Schaefer
Notary Public, State of Florida

DOCUMENT NUMBER - DATE

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