

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power )  
Cost Recovery Clause and Generating )  
Performance Incentive Factor )

Docket No. 080001-EI

Date: April 3, 2008

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COMMISSIONER  
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**FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION OF FUEL HEDGING INFORMATION AND NOTICE OF CONFIDENTIAL CLASSIFICATION OF CORPORATE SECURITY INVESTIGATIVE REPORT**

Florida Power & Light Company ("FPL"), Pursuant to Rule 25-22.006, F.A.C., and Section 366.093, Florida Statutes, requests confidential classification of certain information on fuel hedging activities and market comparisons that is contained in Exhibit GJY- 1 to the prepared testimony of Gerard Yupp (the "Fuel Hedging information"). Additionally, FPL gives notice that confidential classification was granted by Commission Order No. PSC-08-0165-CFO dated March 19, 2008 of the Corporate Security Investigative report that is Exhibit TOJ-1 to the prepared testimony of Terry Jones. In hereof, FPL states as follows:

**Request for Confidential Classification of Fuel Hedging Information (Exhibit GJY-1)**

1. Contemporaneously with this request, FPL is filing Mr. Yupp's prepared testimony, including Exhibit GJY-1. This request is intended to request confidential classification of the Fuel Hedging Information consistent with Rule 25-22.006.

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2. The following exhibits are included herewith and made a part of this request:

a. Composite Exhibit A consists of a copy of the Exhibit GJY-1, in which all the Fuel Hedging Information has been highlighted. Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

b. Composite Exhibit B consists of two copies of Exhibit GJY-1 in which all the Fuel Hedging Information has been redacted.

DOCUMENT NUMBER-DATE

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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 Senior Director of wholesale operations in the Energy Marketing and Trading Division. The affidavit attests to the asserted bases for confidential classification.

3. FPL seeks confidential protection for the Fuel Hedging information because it comprises trade secrets of FPL, which allow FPL to purchase and sell fuel and electric power on favorable terms for FPL and its customers. The disclosure of that trade secret information would provide other participants in the fuel and electric power markets insights into FPL's marketing and trading practices that would allow them to anticipate FPL's marketing and trading practices that would allow them to anticipate FPL's marketing and trading decisions and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers. *See* § 366.093(3)(a), Fla. Stat (2005).

4. FPL submits that the highlighted Fuel Hedging Information is proprietary confidential business information with 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.

5. The Fuel Hedging 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 within the meaning of Section 366.093(3), 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).

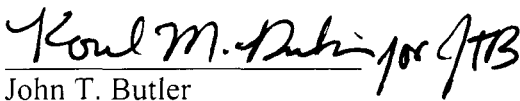
**Notice of Confidential Classification of Corporate Security Report (Exhibit TOJ-1)**

7. Contemporaneously with this notice, FPL is filing Mr. Jones' prepared testimony, including a redacted copy of the Corporate Security Report as Exhibit TOJ-1. FPL had previously filed the Corporate Security Investigative Report as a confidential exhibit to Mr. Jones' testimony in docket No. 070001-EI, together with a request for confidential classification dated September 4, 2007. On March 19, 2008, the Commission issued Order No. PSC-08-0165-CFO granting confidential classification of the Corporate Security Investigative Report for a period of 18 months from the date of this order. Accordingly, the Corporate Security Report that is attached to Mr. Jones' current testimony has already been determined to be confidential and so FPL is not requesting confidential classification again here.

**WHEREFORE**, FPL respectfully requests confidential classification of the Confidential Fuel Hedging Information and notifies the Commission of the existing confidential classification of the Corporate Security Report.

Respectfully submitted,

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By:   
John T. Butler  
Fla. Bar No. 283479

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

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification (\*) has been furnished by hand delivery (\*\*) or U.S. Mail on the 3<sup>rd</sup> day of April, 2008, to the following:

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By: Kevin M. Butler for ATB  
John T. Butler

\* 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:  
MATTHEW M. CARTER II, CHAIRMAN  
LISA POLAK EDGAR  
KATRINA J. MCMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP



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

# Public Service Commission

## ACKNOWLEDGEMENT

DATE: April 3, 2008

TO: Butler/Florida Power & Light Company

FROM: M. Sanders, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 080001-EI or, if filed in an undocketed matter, concerning Testimony Exh GJY-1, 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.

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PSC Website: <http://www.floridapsc.com>

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