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

June 4, 2008

**VIA HAND 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

Re: Docket No. 070626-EI; Florida Power & Light Company's Request for  
Confidential Classification

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 for the document provided at Staff's request on May 14, 2008. The original includes Exhibits B, C and D. The seven (7) copies do not include exhibits.

The confidential document was previously provided as an attachment to FPL's Notice of Intent filed May 14, 2008 (included by reference as "Exhibit A"). Exhibit B is an edited version of the confidential document previously provided, 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 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 has any questions regarding this filing.

Sincerely,

Jessica A. Cano

(CONF. DN 04021-08)

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- EDP 3
- LCL 2
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Enclosures

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Review of Florida Power & Light    )  
Company's Sunshine Energy Program        )

Docket No. 070626-EI  
Filed: June 4, 2008

**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") pursuant to Staff's request. In support of its request, FPL states as follows:

1. On May 14, 2008, FPL provided a confidential document to Staff at its request, along with a Notice of Intent to Request Confidential Classification. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL is filing this Request for Confidential Classification to maintain continued confidential handling of that document.

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

a. The confidential document was previously provided with the Notice of Intent filed on May 14, 2008. That confidential document is included herein by reference as "Exhibit A."

b. Exhibit B consists of an edited version of the document 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

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FPSC-COMMISSION CLERK

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.

d. Exhibit D includes the affidavit of C. Dennis Brandt.

3. FPL submits that the 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, that 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.

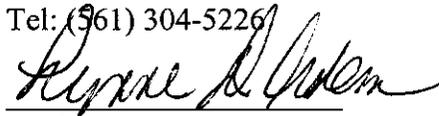
4. As the affidavit included in Exhibit D indicates, the information provided by FPL includes contractual terms, the disclosure of which would impair the efforts of FPL to contract for goods or services in the future on favorable terms, to the detriment of FPL and its customers. Such information is protected by section 366.093(3)(d), Florida Statutes. Additionally, FPL has an obligation to the contractual counter party not to disclose this information to the public.

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 eighteen (18) months. Additionally, 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,

R. Wade Litchfield, Vice President  
and Associate General Counsel  
Jessica A. Cano  
Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
Tel: (561) 304-5226

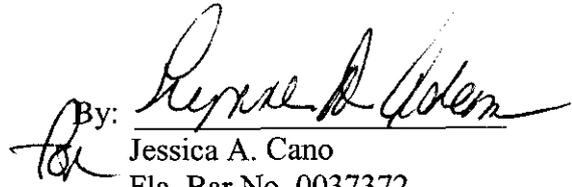
By:   
Jessica A. Cano  
Fla. Bar No. 0037372

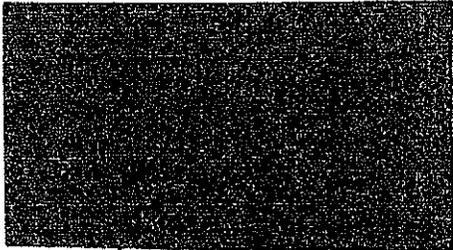
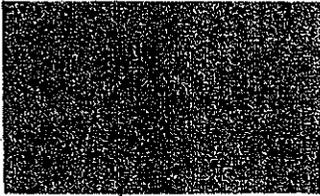
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing, without attachments, has been furnished by hand delivery\* or U.S. mail this 4<sup>th</sup> day of June, 2008, to the following:

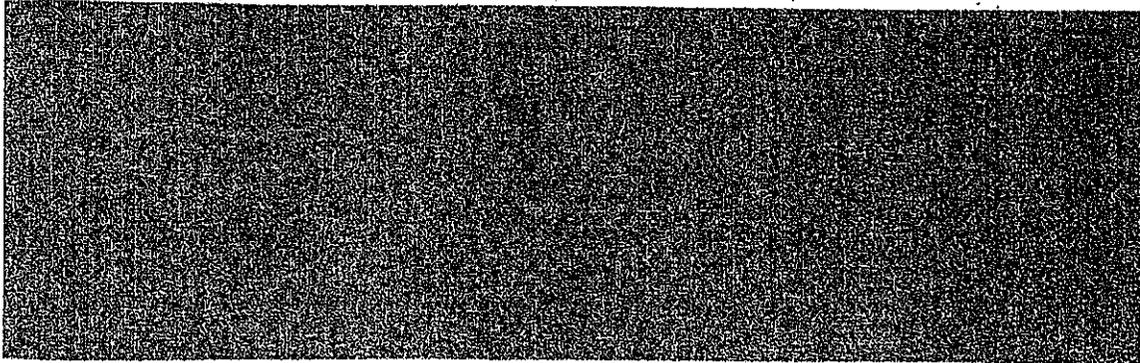
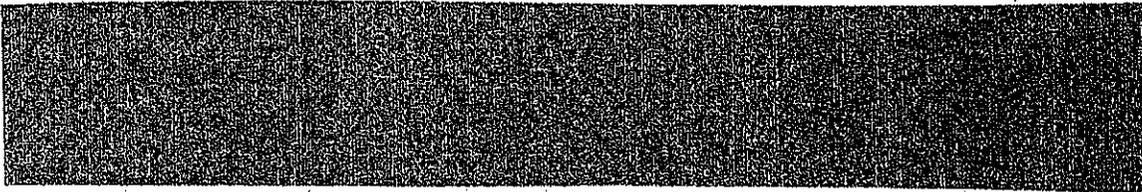
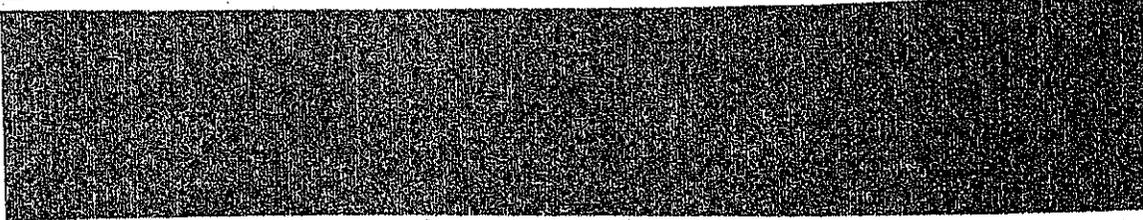
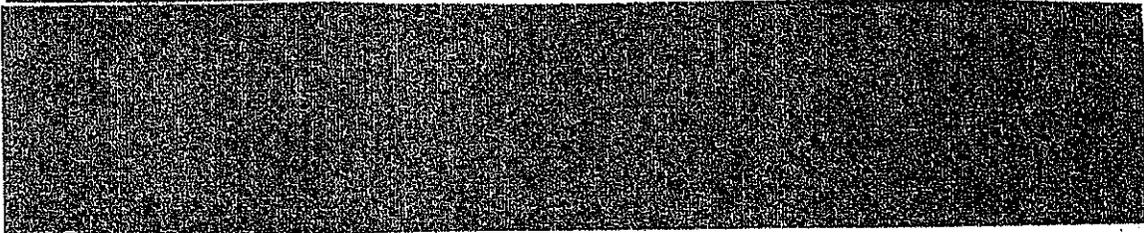
Katherine Fleming\*  
Senior Attorney  
Jean Hartman\*  
Senior Attorney  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

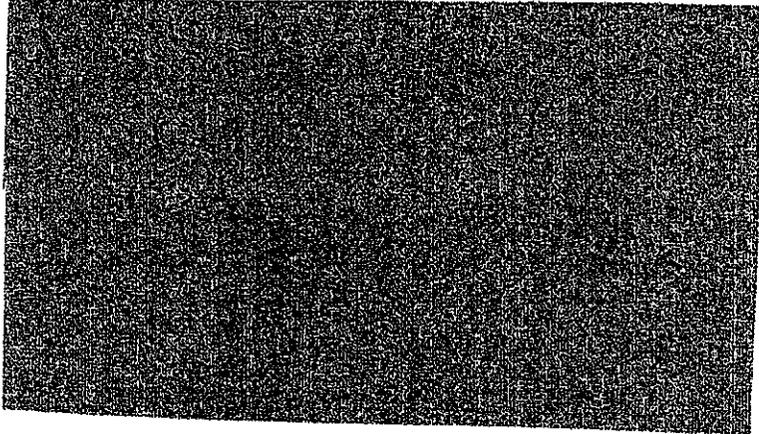
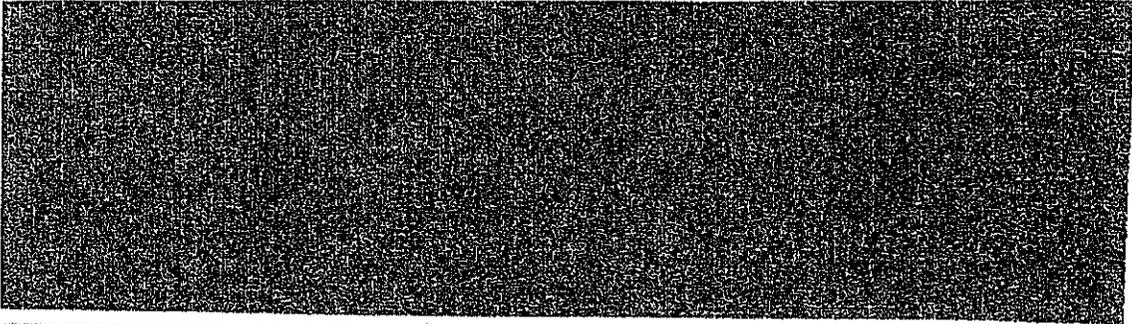
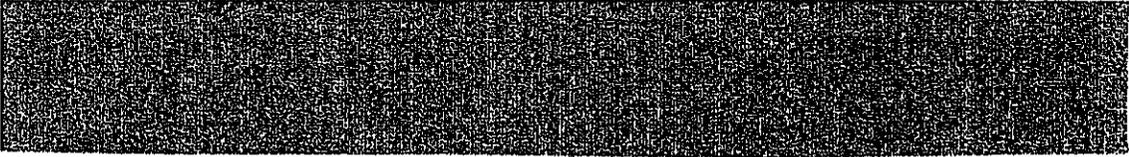
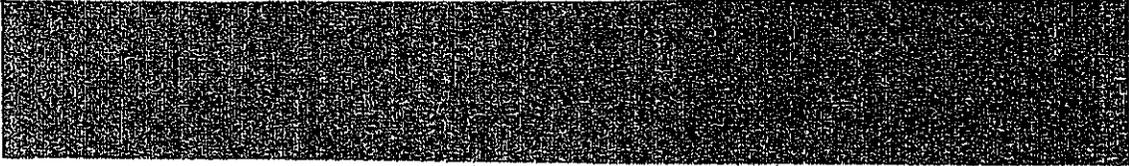
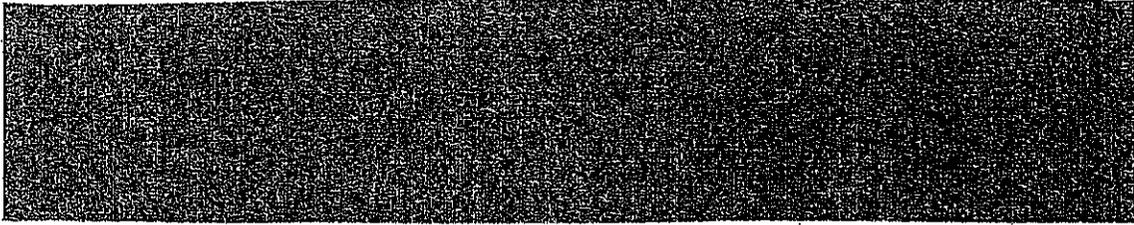
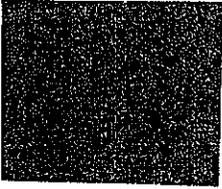
J. R. Kelly  
Office of the Public Counsel  
c/o The Florida Legislature  
Gerald L. Gunter Building  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400

By:   
Jessica A. Cano  
Fla. Bar No. 0037372



Re:





### EXHIBIT C

COMPANY: Florida Power & Light Company  
TITLE: List of Confidential Information  
DOCKET NO. 070626- EI  
DOCKET TITLE: Review of FPL's Sunshine Energy Program  
DATE: June 4, 2008

Description	Pages	Conf. Y/N	Line No.	Florida Statute 366.093(3) Subsection	Affiant
Confidential Document	1-2	Y	all	(d)	C. Dennis Brandt

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

STATE OF FLORIDA            )  
  )  
MIAMI-DADE COUNTY        )

**AFFIDAVIT OF C. DENNIS BRANDT**

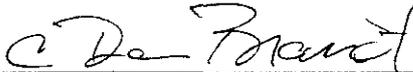
**BEFORE ME**, the undersigned authority, personally appeared C. Dennis Brandt who, being first duly sworn, deposes and says:

1. My name is C. Dennis Brandt. I am currently employed by Florida Power & Light Company ("FPL") as Director of 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.

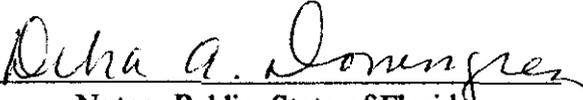
2. I have reviewed the document that is listed in Exhibit C and included in Exhibit A to FPL's Request for Confidential Classification of Information. That document, which is asserted by FPL to be proprietary confidential business information, contains or constitutes contractual data, such as pricing or 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. To the best of my knowledge, FPL has maintained the confidentiality of this document.

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

4. Affiant says nothing further.

  
\_\_\_\_\_  
C. Dennis Brandt

**SWORN TO AND SUBSCRIBED** before me this 30 day of May, 2008, by C. Dennis Brandt, 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: 4/20/2012

