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June 19, 2008

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**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; In re: Review of Florida Power & Light Company's  
Sunshine Energy Program

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 select lines within the Audit Report issued May 30, 2008, as well as certain audit work papers provided in Audit Control No. 08-086-4-1. The original includes Exhibits A, B, C, and D. The seven (7) copies include only Exhibits C and D.

Exhibit A contains the confidential information that is subject of FPL's Request for Confidential Classification. Exhibit A is submitted for filing in a separate, sealed envelope marked "Exhibit A -- CONFIDENTIAL". Exhibit B is an edited version of Exhibit A, in which the information FPL, Green Mountain Energy Company, and Sterling Planet, Inc. assert is confidential has been blocked out. Exhibit C contains the statutory justification for the request for confidential classification. Exhibit D contains a copy of the affidavit of Paul Markovich and the original affidavits of Ron Mitchell and C. Dennis Brandt. The original affidavit of Paul Markovich will be provided as soon as it is available. Also included with this filing is a computer diskette containing FPL's Request for Confidential Classification and Exhibit C in word processing format.

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL 1+Diskette
- OPC \_\_\_\_\_
- RCA 1
- SCR \_\_\_\_\_
- SGA \_\_\_\_\_
- SEC \_\_\_\_\_

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

Sincerely,

Jessica A. Cano

OTH 1 copy Enclosures  
records

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No. 070626-EI  
Filed: June 19, 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 portions of material provided to the Florida Public Service Commission ("Commission") staff ("Staff") pursuant to Audit Control No. 08-086-4-1, conducted in this docket. In support of its request, FPL states as follows:

1. During the Audit, Staff was provided with various confidential documents of Green Mountain, Sterling Planet, and FPL. By letter dated May 30, 2008 Staff provided its Audit Report and indicated its intent to retain certain audit work papers. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL was given 21 days from the date of the letter to file a formal request for confidential classification with respect to the Audit Report and such work papers. Accordingly, FPL is filing this Request for Confidential Classification to maintain continued confidential handling of a few selected sections of the Audit Report and certain work papers.

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

a. Exhibit A includes a copy the confidential documents, on which all information that is entitled to confidential treatment under Florida law has been highlighted. Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

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b. All information for which confidential treatment is sought has been redacted in Exhibit B, which is an edited and publicly available version of the documents.

c. Exhibit C is a table containing the specific line and page references of the selected items or sections of the materials for which confidential treatment is sought and, with regard to each document or discrete subsections thereof, references to the specific statutory basis or bases for the claim of confidentiality and to the Green Mountain, Sterling Planet, or FPL affidavit in support of the requested classification.

d. Exhibit D includes the affidavits of Paul Markovich, Senior Vice President of Green Mountain Energy Company (“Green Mountain”), Ron Mitchell, Executive Vice President of Sterling Planet, Inc. (“Sterling Planet”), and C. Dennis Brandt, Director of Product Management and Operations for FPL.

3. The information in Exhibit A is proprietary confidential business information within the meaning of section 366.093(3), Florida Statutes. As the affidavits indicate, that information has not been publicly disclosed. Pursuant to section 366.093, as a matter of public policy not unique to Florida, 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 Mr. Markovich’s affidavit included in Exhibit D indicates, and as referenced in Exhibit C, a few lines on two pages within the Audit Report include contractual data, such as pricing and other terms, which Green Mountain is prohibited from disclosing pursuant to its contractual obligations with third parties. Such information is protected by section

366.093(3)(d), Florida Statutes. The majority of the Audit Report, as included in Exhibit B – Audit Report, is not confidential.

5. With respect to the work papers, as supported by the affidavits of Mr. Markovich, Mr. Mitchell, and Mr. Brandt, certain documents include information involving the competitive interests of Green Mountain, which if disclosed could harm its competitive business. This information is protected by section 366.093(3)(e), Florida Statutes. Other work papers include bids or contractual data of Sterling Planet, Green Mountain, and FPL (protected by section 366.093(3)(d), Florida Statutes) and employee personnel information unrelated to compensation, duties, qualifications, or responsibilities (protected by section 366.093(f), Florida Statutes). The disclosure of work papers with contractual or otherwise competitively sensitive information would hinder FPL's ability to contract for goods and services on favorable terms and at favorable prices in the future, to the detriment of its customers.

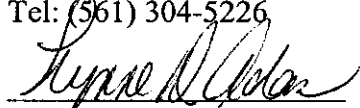
6. Green Mountain, Sterling Planet, and FPL have had no objection and continue to have no objection to the full disclosure of this information to the Florida Public Service Commission and its Staff, to allow them to fulfill their regulatory function; however, certain portions, if publicly disclosed, could violate nondisclosure agreements with other parties or otherwise harm FPL's or its vendors' business operations as described above.

7. 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), Florida Statutes, 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), Florida Statutes.

**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: (361) 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 19th 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

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**

**CONFIDENTIAL**

**ACKNOWLEDGEMENT**

**DATE:** June 19, 2008

**TO:** Jessica A. Cano, Florida Power & Light Company

**FROM:** Ruth Nettles, Office of Commission Clerk

**RE:** Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 070626 or, if filed in an undocketed matter, concerning certain portions of material provided to staff pursuant to Audit Control No. 08-86-4-1, and filed on behalf of Florida Power & Light. 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  
05263 JUN 19 08  
FPSC - COMMISSION CLERK

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