

John T. Butler  
Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 304- 5639  
(561) 691-7135 (Facsimile)

July 21, 2008

**-VIA HAND 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 JUL 21 PM 2:01  
COMMISSION  
CLERK

**Re: Docket No. 080001-EI**

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's ("FPL's") Request for Confidential Classification of certain information responsive to Staff's Third Request for Production of Documents (Nos. 16-22), together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows XP, and the word processing software in which the document appears is Word 2003. Pursuant to Rule 25-22.006, F.A.C., I am enclosing one highlighted and two redacted copies of the confidential documents that is the subject of the confidentiality request.

Please note that Exhibit D, affidavit of Terry Jones is a copy, the original will be provided under separate cover.

If there are any questions regarding this transmittal, please contact me at 561-304-5639

Sincerely,

*Terry J. Keith*  
for John T. Butler.

Enclosure

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

DOCUMENT NUMBER-DATE

06270 JUL 21 08

FPSC-COMMISSION CLERK

CMP \_\_\_\_\_  
CCL \_\_\_\_\_  
CEN \_\_\_\_\_  
CIR \_\_\_\_\_  
CIS \_\_\_\_\_  
CJA \_\_\_\_\_  
CJR \_\_\_\_\_  
CJS \_\_\_\_\_  
CJW \_\_\_\_\_  
CJX \_\_\_\_\_  
CJY \_\_\_\_\_  
CJZ \_\_\_\_\_  
COP \_\_\_\_\_  
COT \_\_\_\_\_  
COW \_\_\_\_\_  
COX \_\_\_\_\_  
COY \_\_\_\_\_  
COZ \_\_\_\_\_

1+ Diskette

1 copy records

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No. 080001-EI

Filed: July 21, 2008

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED  
PURSUANT TO STAFF'S THIRD REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain information provided in connection with Request for Production of Documents numbers 16 and 17, which were served by Staff on June 18, 2008. In support of its Request, FPL states as follows:

1. FPL served its documents responsive to Staff's Third Request for Production of Documents on Friday, July 18, 2008 for overnight delivery to Staff on July 21, 2008. This request is being filed contemporaneously with the delivery of the responses to Staff and is intended to request confidential classification of the documents responsive to Production of Documents Nos. 16 and 17 ( the "Confidential Discovery Responses"), consistent with Rule 25-22.006, Florida Administrative Code.

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

a. Composite Exhibit A consists of copies of FPL's documents responsive to to Production of Documents Nos. 16 and 17, on which all information that FPL asserts is entitled to confidential treatment has been highlighted. Composite Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

b. Composite Exhibit B consists of pages identifying the title of the Confidential Discovery Responses and noting that the contents are confidential. Because FPL

DOCUMENT NUMBER-DATE

06270 JUL 21 8

FPSC-COMMISSION CLERK

seeks confidential classification of the entire text of these Confidential Discovery Responses, no purpose would be served by reproducing a full redacted version.

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 Terry Jones, Vice President of Nuclear Plant Support.

3. FPL seeks confidential protection for the information highlighted in Exhibit A. The highlighted information is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. The information is intended to be, and has been, treated by FPL as confidential.

4. Pursuant the Section 366.093, the information highlighted in Exhibit A 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


5. As the affidavit provided in Exhibit D indicates, the information contained in FPL's responses to Production of Documents Nos. 16 and 17 relates to security and, if made public, would disclose certain details about FPL's security measures, system or procedures to the detriment of FPL, its customers and the general public. This information is protected by Section 366.093(3)(c), Florida Statutes.

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), Florida Statutes, 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), Florida Statutes.

**WHEREFORE**, FPL respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

R. Wade Litchfield, Esq.  
Vice President and Associate General Counsel  
John T. Butler, Esquire  
Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
Telephone: (561) 304-5639  
Facsimile: (561) 691-7135

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 18<sup>th</sup> day of July, 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.  
McWhirter Reeves  
Attorneys for FIPUG  
400 North Tampa Street, Suite 2450  
Tampa, Florida 33602

Norman H. Horton, Jr., Esq.  
Floyd R. Self, Esq.  
Messer, Caparello & Self  
Attorneys for FPUC  
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

Office of Attorney General  
Cecilia Bradley, Esq.  
Capitol-PL 01  
Tallahassee, FL 32399-1050

James W. Brew, Esq.  
Brickfield, Burchette, Ritts & Stone, The P.C  
1025 Thomas Jefferson Street, NW  
Eight Floor, West Tower  
Washington, DC 2007-5201

R Scheffel Wright, Esq.  
John T. Lavia, III, Esq.  
Young VanAssenderp, P.A.  
Attorneys for Florida Retail Federation  
225 South Adams Street  
Suite 200  
Tallahassee, FL 32301

By: *Terry J. Keith for*  
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: July 21, 2008

TO: John T. Butler, Florida Power & Light Company

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

**CONFIDENTIAL**

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 080001 or, if filed in an undocketed matter, concerning certain information provided in connection with PODs, Nos. 16 and 17, which were served on staff on 6/18/08, and filed on behalf of Florida Power & Light Company. 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  
**06271 JUL 21 08**  
FPSC-COMMISSION CLERK

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850  
An Affirmative Action/Equal Opportunity Employer

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

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)