



John T. Butler
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August 1, 2008

-VIA HAND DELIVERY -

Ms. Ann Cole
 Commission Clerk
 Florida Public Service Commission
 2540 Shumard Oak Blvd.
 Tallahassee, FL 32399-0850

RECEIVED-FPSC
 08 AUG - 1 AM 11:35
 COMMISSION
 CLERK

**Re: Docket No. 080007-EI
 Audit control No. 08-029-4-1
 Environmental Cost Recovery Clause**

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's Request for Confidential Classification of Information Provided Pursuant to Audit No. 08-029-4-1 together with a diskette containing the electronic version of same. Also included is a computer diskette containing the electronic version of FPL's Request for Confidential Classification and Exhibit C in Word. The enclosed diskette is HD density, the operating system is Windows XP, and the word processing software is Word. Pursuant to Rule 25-22.006, F.A.C., I am also enclosing one highlighted and two redacted copies of the confidential documents that are the subject of this request.

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

COM _____
 ECR _____
 GCL 1+CD
 OPC _____
 RCP _____
 SSC _____
 SGA _____
 ADM _____
 CLK 1

Enclosure
 cc: Counsel of record (w/encl.)

Sincerely,

 John T. Butler

DOCUMENT NUMBER-DATE

06761 AUG-1 8

FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Environmental cost)
recovery clause.)
)
_____)

DOCKET NO. 080007-EI
FILED: August 1, 2008

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION
PROVIDED PURSUANT TO AUDIT NO. 08-029-4-1**

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 to the Florida Public Service Commission ("FPSC" or "Commission") staff ("Staff") in connection with its audit of FPL's Environmental Cost Recovery Clause (Audit Control No. 08-029-4-1; hereinafter the "ECRC Audit") in this docket. In support of its Request, FPL states as follows:

1. During the ECRC Audit, Staff requested access to various FPL reports and other documents, portions of which became working papers of the auditors. By letter dated July 11, 2008, Staff indicated its intent to retain certain working papers for which confidential treatment previously had been requested (the "Working Papers"). Pursuant to Rule 25-22.006(3)(a), FPL was given 21 days from the date of that letter, or until August 1, 2008, to file a formal request for confidential classification with respect to the Working Papers. This Request is intended to request confidential classification of the confidential portions of the Working Papers consistent with Rule 25-22.006(3)(a).

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

DOCUMENT NUMBER-DATE

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06761 AUG-1 8

FPSC-COMMISSION CLERK

a. Composite Exhibit A consists of copies of the Working Papers, 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 an edited version of Exhibit A on which all information FPL asserts is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing a line-by-line and page-by-page identification of the information for which confidential classification is sought, and, with regard to each 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 is comprised of the affidavits of Roger Messer and Robert Onsgard.

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). The information is intended to be, and has been, treated by FPL as confidential.

4. Pursuant to 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. The statutory bases for FPL's assertion of confidentiality with regard to each document or portion thereof are set forth in Exhibit C under the column titled "FLORIDA


STATUTE 366.093(3).” The letters in that column refer to the subsection(s) of Section 366.093(3) that provide justification for FFL’s request. Further support for FPL’s request for confidential classification of the referenced information is provided through the affidavits that are included as Exhibit D to this Request.

6. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, is proprietary confidential business information, 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).

WHEREFORE, for the foregoing reasons, Florida Power & Light Company respectfully requests that this Request be granted.

Respectfully submitted,

R. Wade Litchfield, Esq.
Associate General Counsel
John T. Butler, Esq.
Senior Attorney
Law Department
Florida Power & Light Company
700 Universe Blvd.
Juno Beach, Florida 33408-0420
Telephone: 561-5639
Fax: 561-691-7135

By: 

John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE

Docket No. 080007-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification Information Provided Pursuant To Audit No. 08-029-4-1 (*) has been furnished by hand delivery (**) or U.S. Mail on this 1st day of August 2008, to the following:

Martha Brown **
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Room 370P – Gunter Building
Tallahassee, FL 32399-0850

Ausley Law Firm
Lee L. Willis/James D. Beasley
P.O. Box 391
Tallahassee, FL 32302

Beggs & Lane Law Firm
Jeffrey Stone/Russell Badders/S/ Griffin
P.O. Box 12950
Pensacola, FL 32591-2950

Florida Industrial Power Users Group
(McWhirter)
John W. McWhirter, Jr.
c/o McWhirter Reeves & Davidson
P.O. Box 3350
Tampa, FL 33601-3350

Florida Retail Federation
100 East Jefferson Street
Tallahassee, FL 32301

Gulf Power Company
Ms. Susan D. Ritenour
One Energy Place
Pensacola, FL 32520-0780

Hopping Law Firm
G. Perko/C. Raeppe/V.Dailey/D. Roberts
P.O. Box 6526
Tallahassee, FL 32314


Young Law Firm
R. Scheffel Wright/John LaVia, III
P.O. Box 271
Tallahassee, FL 32302

Progress Energy Florida, Inc.
Paul Lewis, Jr.
106 East College Avenue, Suite 800
Tallahassee, FL 32301-7740

Office of Public Counsel
Harold McLean/Patricia Christensen
c/o The Florida Legislature
111 West Madison St., Room 812
Tallahassee, FL 32399-1400

Progress Energy Florida, Inc. (Burnett)
R. Alexander Glenn/John T. Burnett
c/o Progress Energy Service Company
P.O. Box 14042
Saint Petersburg, FL 33733-4042

Tampa Electric Company
Paula K. Brown
Regulatory Affairs
P. O. Box 111
Tampa, FL 33601-0111

By: 

JOHN T. BUTLER
Fla. Bar No. 283479

* 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

CONFIDENTIAL

ACKNOWLEDGEMENT

DATE: August 1, 2008

TO: John Butler, 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 080007 or, if filed in an undocketed matter, concerning certain information provided to staff in connection with audit of FPL's Environmental Cost Recovery Clause (Audit Control No. 08-029-4-1/ECRC Audit), 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
06762 AUG-1
FPSC-COMMISSION CLERK

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

Internet E-mail: contact@psc.state.fl.us