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September 18, 2008

**-VIA HAND DELIVERY -**

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

RECEIVED-FPSC  
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 COMMISSION  
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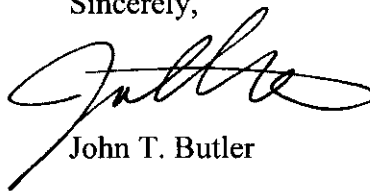
**Re: Docket Nos. 070231-EI and 080244-EI**

Dear Ms. Cole:

I am enclosing for filing in the above dockets the original and seven (7) copies of Florida Power & Light Company's Request for Confidential Classification (Data Request No. 15), 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 is Word 2003. Pursuant to Rule 25-22.006, F.A.C., I am also enclosing one highlighted and two redacted copies of the confidential document that is the subject of this request.

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

Sincerely,



John T. Butler

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 ECR   1    
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 RCP \_\_\_\_\_  
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Enclosure

DOCUMENT NUMBER-DATE

08815 SEP 18 08

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Approval of Underground Conversion Tariff Revisions. ) Docket No. 080244-EI  
 )  
 )

In re: Petition for approval of 2007 revisions to underground residential and commercial distribution tariff, by Florida Power & Light Company. ) Docket No. 070231-EI  
 ) Filed: September 18, 2008  
 )

**REQUEST FOR CONFIDENTIAL CLASSIFICATION (DATA REQUEST NO. 15)**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of its response to Data Request Number 15 in Staff's First Data Request in Docket No. 080244-EI and Second Data Request in Docket No. 070231-EI, dated July 31, 2008 (the "DR 15 Response"). In support of its Request, FPL states as follows:

1. FPL served the DR 15 Response on August 21, 2008 with an accompanying notice of intent to seek confidential classification for that response. This Request is intended to request confidential classification of the DR 15 Response, consistent with Rule 25-22.006, Florida Administrative Code.

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

a. Exhibit A is a copy of the DR 15 Response on which all information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

b. Exhibit B is a copy of the DR 15 Response on which the confidential information has been redacted.

c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A, together with references to the specific statutory basis for the claim of confidentiality and to the affidavit in support of the requested classification.

d. Exhibit D is the affidavit of Thomas R. Koch.

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 attested in Exhibit D, the information contained in the DR 15 Response relates to FPL's historical litigation costs associated with underground and overhead facilities. FPL considers this information to be proprietary confidential business information because its disclosure would provide litigation adversaries and potential adversaries with inappropriate insight into the nature of FPL's damages and litigation experience, which would impair FPL's competitive business to the disadvantage of both FPL and its customers. This information is protected by section 366.093(3)(e), 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

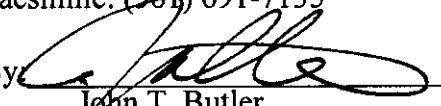
at least eighteen (18) months and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business. See § 366.093(4), Florida Statutes.

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

Respectfully submitted,

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 Nos. 080244-EI and 070231-EI**

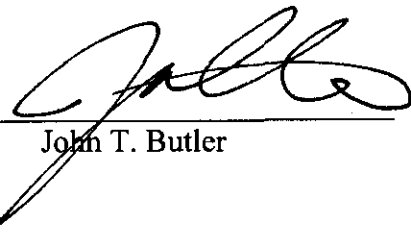
**I HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification (Data Request No. 15) was served by hand delivery (\*) or U.S. Mail this 18<sup>th</sup> day of September 2008, to the following persons:

Ralph Jaeger /Erik Sayler\*  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Robert Scheffel Wright  
Jay T. LaVia, III  
Young van Assenderp, P.A.  
225 South Adams Street  
Suite 200  
Tallahassee, Florida 32301

Brian P. Armstrong  
David G. Tucker  
Nabors, Giblin & Nickerson, P.A.  
1500 Mahan Drive, Suite 200  
Tallahassee, FL 32308

By: \_\_\_\_\_

  
John T. Butler

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: September 18, 2008

TO: John T. 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 070231/080244 or, if filed in an undocketed matter, concerning Data Request No. 15, 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  
08816 SEP 18 08  
FPSC-COMMISSION CLERK

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