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December 19, 2008

**VIA OVERNIGHT 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

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COMMISSION  
CLERK

Re: Docket No. 080001-EI  
Fuel and Purchased Power Cost Recovery Clause with Generating  
Performance Incentive Factor

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's First Request for Extension of Confidential Classification of information contained in the testimony of K. M. Dubin filed in Docket No. 070001-EI, regarding capacity payment information.

Included herewith is Revised Exhibit D, which contains an affidavit in support of FPL's request. Also included is a compact disc containing FPL's Request for Confidential Classification (without the exhibit) in word processing format.

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

Sincerely,

*Jessica Cano*  
Jessica Cano

Enclosures  
cc: parties of record, w/out exhibits

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No. 080001-EI

Filed: December 22, 2008

**FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION  
OF SHORT TERM CAPACITY PAYMENT INFORMATION**

NOW, BEFORE THIS COMMISSION, through undersigned counsel, comes Florida Power & Light Company (“FPL”) and, pursuant to Rule 25-22.006(3), Florida Administrative Code, and Section 366.093 of the Florida Statutes, submits its First Request for Extension of Confidential Classification of certain information on short term capacity payments contained in Schedule A12 of Appendix II to the prepared testimony of FPL witness K.M. Dubin (the “Confidential Information”). In support of its request, FPL states as follows:

1. On March 1, 2007, FPL filed a Request for Confidential Classification of the Confidential Information. FPL’s request was granted on June 29, 2007 by Order No. PSC-07-0549-CFO-EI. The period of confidential treatment granted by that order will soon expire. Accordingly, FPL is filing this request for an extension of confidential classification.

2. FPL incorporates its March 1, 2007 request and exhibits herein by reference. Additionally, included herewith is a Revised Exhibit D, containing the affidavit of Gerard Yupp in support of the continued confidential classification.

3. All of the information that was the subject of FPL’s March 1, 2007 Request warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3), Florida Statutes. This material is intended to be and is treated by FPL as confidential and has not been 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

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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. The information that FPL asserts is proprietary and confidential business information relates to pricing for short-term capacity purchases, the disclosure of which would impair FPL's ability to contract for capacity on favorable terms, *see* § 366.093(3)(d), Fla. Stat; and because it relates to competitive interests of FPL and of suppliers from whom FPL purchases capacity, the disclosure of which would impair their competitive businesses, *see* § 366.093(3)(e), Fla. Stat.

5. Nothing has changed since the issuance of Order No. PSC-07-0549-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate. Accordingly, FPL requests that this information be accorded confidential classification for an additional eighteen month period. FPL further requests that the information be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business. *See* § 366.093(4), Fla. Stat.

**WHEREFORE**, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavit included with this request, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

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

**CERTIFICATE OF SERVICE**

**Docket Nos.080001-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing (without attachments) has been furnished by regular U.S. Mail on December 22, 2008, to the following:

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