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April 19, 2004

- VIA OVERNIGHT DELIVERY -

Blanca S. Bayó
Director, Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RECEIVED-FPSC
04 APR 20 AM 10:06
COMMISSION
CLERK

Re: Docket No. 040001-EI

Dear Ms. Bayó:

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 Fuel Hedging Information, 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 2000. 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 305-577-2939.

Sincerely,

Kevin M. Butler for JTB

John T. Butler

- AUS _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL Enclosure
- OPC _____
- MMS _____
- SEC _____
- OTH _____

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

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MIA2001 279134v1

Miami West Palm Beach Tallahassee Naples Key West London Caracas São Paulo

DOCUMENT NUMBER-DATE

04666 APR 20 04
Rio de Janeiro Santo Domingo

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power)
cost recovery clause with)
generating performance incentive)
factor.)
_____)

Docket No. 040001-EI
Filed: April 20, 2004

FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF FUEL HEDGING INFORMATION

Florida Power & Light Company ("FPL"), pursuant to Rule 25-22.006, F.A.C., and Section 366.093, Florida Statutes, requests confidential classification of certain information on fuel hedging activities that is contained in Document GJY-1 to the prepared testimony of Gerard Yupp (the "Fuel Hedging Information"). In support of its Request, FPL states as follows:

1. FPL filed Mr. Yupp's prepared testimony, including Document GJY-1, on April 1, 2004. Contemporaneously, FPL filed a Notice of Intent to Seek Confidential Classification of the Fuel Hedging Information. Rule 25-22.006, F.A.C. provides that, unless good cause is shown for delay, a party that has filed a notice of intent must then file a request for confidential classification of the information covered by the notice of intent within 21 days. This Request is intended to request confidential classification of the Fuel Hedging Information consistent with Rule 25-22.006.

2. The following exhibits are included with this Request:

a. Exhibit A consists of a copy of the Document GJY-1, in which all of the Fuel Hedging Information has been highlighted. Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

DOCUMENT NUMBER-DATE
04666 APR 20 04
FPSC-COMMISSION CLERK

b. Composite Exhibit B consists of two copies of Document GJY-1 in which all of the Fuel Hedging Information has been redacted.

c. Exhibit C is a table containing a line-by-line and page-by-page identification of Fuel Hedging Information, 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 consists of the affidavit of Mr. Yupp, who is the Manager of Regulated Wholesale Power Trading in FPL's Energy Marketing and Trading Division. The affidavit attests to the asserted bases for confidential classification.

3. FPL seeks confidential protection for the Fuel Hedging Information because it comprises trade secrets of FPL, which allow FPL to purchase and sell fuel and electric power on favorable terms for FPL and its customers. The disclosure of that trade-secret information would provide other participants in the fuel and electric power markets insight into FPL's marketing and trading practices that would allow them to anticipate FPL's marketing and trading decisions and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers. *See* § 366.093(3)(a), Fla. Stat (2003). The Fuel Hedging Information also relates to bids and other contractual data, the disclosure of which would impair FPL's ability to contract for fuel and electric power on favorable terms. *See* § 366.093(3)(a), Fla. Stat (2003).

4. FPL submits that the highlighted Fuel Hedging Information is proprietary confidential business information within the meaning of Section 366.093(3). Pursuant to Section

366.093, such information is entitled to confidential treatment and is exempt from the disclosure provisions of the public records law.

5. The Fuel Hedging Information in Exhibit A is intended to be and is treated by FPL as private, and its confidentiality has been maintained.

6. Upon a finding by the Commission that the Fuel Hedging Information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), pursuant to Section 366.093(4) such materials should not be declassified for 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.

WHEREFORE, FPL respectfully requests confidential classification of the Fuel Hedging Information.

Respectfully submitted,

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By: *Koull M. Dahi for JTB*
John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE

Docket No. 040001-EI

I certify that a copy of the foregoing Request for Confidential Classification of Fuel Hedging Information was served by overnight delivery (*) or United States mail on this 19th day of April, 2004, to the following persons:

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By: Kerol M. Butler per JTB
John T. Butler

Exhibit A

CONFIDENTIAL DOCUMENTS

(SUBMITTED SEPARATELY)