

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 SECOND 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 11 and 13 (the "Confidential Discovery Responses"), which were served by Staff on June 9, 2008. In support of its Request, FPL states as follows:

1. FPL served its documents responsive to Staff's Second Request for Production of Documents on Wednesday, July 9, 2008 for overnight delivery to Staff on July 10, 2008. FPL considers information in its responses to Production of Documents numbers 11 and 13 to be proprietary confidential business information. Accordingly FPL filed a notice of intent to seek confidential classification on July 10, 2008. Pursuant to Rule 25-22.006(3)(a), FPL has 21 days from the date of the notice of intent to file a formal request for confidential classification. This request is intended to request confidential classification of confidential portions of the  
--Confidential Discovery Responses.

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

1 + Diskette a. The confidential documents were previously provided with the notice of intent to seek confidential classification filed on July 10, 2008. These documents are included herein by reference as "Exhibit A."

b. Composite Exhibit B consists of 2 pages identifying the title of the Confidential Discovery Responses and noting that the contents are confidential. Because FPL

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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 of Gerard J. Yupp, Senior Director of wholesale operations in the Energy Marketing and Trading Division, and Frank Irizarry, Director of Production Assurance and Business Service in the Power Generation Division.

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

4. Pursuant the section 366.093, the information 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 affidavits provided in Exhibit D indicate, the information contained in FPL's responses to Production of Documents Nos. 11 and 13 includes information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods and services on favorable terms, to the detriment of FPL and its customers. This information is protected by section 366.093(3)(d), Florida Statutes. This information is also


related to competitive interests, and its disclosure would impair the competitive business of FPL. Such information is protected by section 366.093(3)(e), Florida Statutes.

6. Upon a finding by the Commission that the information 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,

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By:   
John T. Butler  
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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification (\*) has been furnished by overnight delivery (\*\*) or U.S. Mail on the 18 day of July, 2008, to the following:

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By: Teng 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.

**EXHIBIT B**  
**REDACTED VERSION OF CONFIDENTIAL DOCUMENT**

Docket No. 080001-EI  
Staff's first Request for Production of Documents No. 11  
Bates Nos. FCR 08-9331

**COST OF OPERATIONS STUDY – 2007 STUDY UPDATE**

**EXHIBIT B**  
**REDACTED VERSION OF CONFIDENTIAL DOCUMENT**

Docket No. 080001-EI  
Staff's first Request for Production of Documents No. 13  
Bates Nos. FCR 08-8944 through FCR 08-9330

**FPL DERIVATIVES SETTLEMENTS- ALL INSTRUMENTS**