

John T. Butler  
Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 304-5639  
(561) 691-7135 (Facsimile)

August 8, 2008

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**-VIA OVERNIGHT DELIVERY -**

Ms. Ann Cole, Director  
Division of the Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

**Re: Docket No. 080001-EI**

Dear Ms. Cole:

Order No. PSC 08-0316-PAA-EI requires the four largest Florida IOUs, including Florida Power & Light Company ("FPL") to file hedging results for January through July of the current year by August 15, 2008. FPL has prepared its Hedging Information Report, which is identified as Exhibit GJY-2, to provide the required information on fuel hedging activities for the period January through July 2008. The Hedging Information Report is being filed in conjunction with the enclosed confidentiality request described below.

I am enclosing for filing in the above docket the original and seven (7) copies of FPL's Request for Confidential Classification of Certain Information Contained in Hedging Information Report (Exhibit GJY-2), 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 documents appear is Word 2003.

Please note that the enclosed Exhibit D, affidavit of Gerard J. Yupp, is a copy. The original will be provided under separate cover.

Pursuant to Rule 25-22.006, F.A.C., I am enclosing one highlighted and two redacted copies of the Hedging Information Report that is the subject of the confidentiality request.

- COM \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL 1 + CD \_\_\_\_\_
- OPC \_\_\_\_\_
- RCP \_\_\_\_\_
- SSC \_\_\_\_\_
- SGA \_\_\_\_\_
- ADM \_\_\_\_\_
- CLK 1 \_\_\_\_\_

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

Sincerely,  
*Terry J. Keith for*

John T. Butler

DOCUMENT NUMBER-DATE

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

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 : August 11, 2008

**FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR  
CONFIDENTIAL CLASSIFICATION OF CERTAIN INFORMATION CONTAINED IN  
HEDGING INFORMATION REPORT (EXHIBIT GJY-2)**

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 and market comparisons that is contained in Exhibit GJY-2 ( the "Hedging Information Report"). In support of its Request, FPL states as follows:

1. Pursuant to direction in Order No. PSC-08-0316-PAA-EI, issued in this docket on May 14, 2008, FPL has filed the Hedging Information Report on August 11, 2008 to provide data on hedging results for January through July 2008. This Request is intended to request confidential classification of the information contained in the Hedging Information Report consistent with Rule 25-22.006.

2. The following exhibits are included with this Request:

a. Exhibit A consists of a copy of the Hedging Information Report, in which the confidential information has been highlighted. Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

b. Composite Exhibit B consists of two copies of the Hedging Information Report in which the confidential fuel hedging information has been redacted.

c. Exhibit C is a table containing a line-by-line and page-by-page identification of the confidential fuel hedging information contained in the Hedging Information

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Report, 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 Director of Wholesale Operations 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 highlighted information contained in the Hedging Information Report 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 (2005).

4. FPL submits that the highlighted information contained in Hedging Information Report 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 Hedging Information Report 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 highlighted information in the Hedging Information Report 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 highlighted information contained in the Hedging Information Report.

Respectfully submitted,

R. Wade Litchfield, Esq.  
Vice President and General Counsel  
John T. Butler, Esq.  
Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 304-5639  
Facsimile: ( 561) 691-7135

BY: 

John T. Butler  
Fla. Bar No. 283479

**CERTIFICATE OF SERVICE**

**Docket No. 080001-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification of Certain Information Contained in Hedging Information Report (Exhibit GJY-2) has been furnished by overnight delivery (\*) or United States Mail on this 8<sup>th</sup> of August 2008, to the following:

Lisa Bennett, Esq.(\*)  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

J. R. Kelly, Esq.  
Steve Burgess, Esq.  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399

Lee L. Willis, Esq.  
James D. Beasley, Esq.  
Ausley & McMullen  
Attorneys for Tampa Electric  
P.O. Box 391  
Tallahassee, Florida 32302

John T. Burnett, Esq.  
Progress Energy Service Company, LLC  
P.O. Box 14042  
St. Petersburg, Florida 33733-4042

John W. McWhirter, Jr., Esq.  
McWhirter Reeves  
Attorneys for FIPUG  
P. O. Box 3350  
Tampa, Florida 33601-3350

Norman H. Horton, Jr., Esq.  
Floyd R. Self, Esq.  
Messer, Caparello & Self  
Attorneys for FPUC  
P.O. Box 1876  
Tallahassee, Florida 32302-1876

Jeffrey A. Stone, Esq.  
Russell A. Badders, Esq.  
Beggs & Lane  
Attorneys for Gulf Power  
P.O. Box 12950  
Pensacola, Florida 32576-2950

Michael B. Twomey, Esq.  
Attorney for AARP  
Post Office Box 5256  
Tallahassee, Florida 32314-5256

Office of Attorney General  
Cecilia Bradley  
Capitol-PL 01  
Tallahassee, FL 32399-1050

James W. Brew  
Brickfield, Burchette, Ritts & Stone, The P.C  
1025 Thomas Jefferson Street, NW  
Eight Floor, West Tower  
Washington, DC 2007-5201

R Scheffel Wright/ John Lavia  
Florida Retail Federation  
225 South Adams Street # 200  
Tallahassee, FL 32301

By:   
John T. Butler

STATE OF FLORIDA

COMMISSIONERS:  
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KATRINA J. MCMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP



OFFICE OF COMMISSION CLERK  
ANN COLE  
COMMISSION CLERK  
(850) 413-6770

**Public Service Commission**

**ACKNOWLEDGEMENT**

DATE: August 12, 2008

TO: John T. Butler, Florida Power & Light Company

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

CONFIDENTIAL

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 080001 or, if filed in an undocketed matter, concerning certain information on fuel hedging activities and market comparisons contained in Exhibit GYY-2, 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  
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Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)