

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost  
recovery clause.

DOCKET NO. 030002-EG  
ORDER NO. PSC-03-1182-CFO-EG  
ISSUED: October 21, 2003

ORDER GRANTING CONFIDENTIAL CLASSIFICATION FOR  
CERTAIN MATERIALS OBTAINED DURING THE  
CONSERVATION RECOVERY AUDIT OF FLORIDA POWER & LIGHT COMPANY  
(DOCUMENT NOS. 05791-03 AND 05817-03)

On June 12, 2003, copies of portions of staff's working papers obtained or prepared during the Florida Power and Light (FPL) conservation cost recovery audit for the year ended December 31, 2002, were delivered to FPL at the audit exit conference. FPL requested that these materials be temporarily exempted from public access in accordance with the provisions of Rule 25-22.006(3)(a)(2), Florida Administrative Code. These work papers were filed with the Commission by staff on June 30, 2003, as Document No. 05791-03.

On June 30, 2003, pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, FPL filed with the Commission its Request for Confidential Classification of Materials Provided Pursuant to Audit No. 03-042-4-1. FPL's request included redacted public copies (Document No. 05816-03) and copies with the sensitive information highlighted (Document No. 05817-03), as required by Rule 25-22.006, Florida Administrative Code. The documents that are the subject of FPL's request, which include the staff-filed originals of the sensitive working papers (Document No. 05791-03) and FPL-filed copies of the working papers with the sensitive information highlighted (Document No. 05817-03), are currently being held by the Commission's Division of Clerk and Administrative Services as confidential pending resolution of FPL's request for extension of confidential classification.

FPL asserts that the information for which confidential classification is requested is proprietary, confidential business information within the meaning of Section 366.093(3), Florida Statutes. FPL states that the information consists of customer-

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specific account information, which FPL considers to be confidential proprietary business information of the customer within the meaning of Section 366.093(3)(e), Florida Statutes. According to FPL, it does not disclose such information to third parties unless required by law or unless the customer consents to the disclosure. FPL states that the information for which it seeks confidential classification also includes contracts, contract prices, invoices and other contract-related information for which FPL considers to be confidential proprietary business information, the disclosure of which would impair the competitive business of FPL. Finally, FPL states that the information also contains internal audit controls or reports or information relating to same. FPL maintains that such information is entitled to protection under Section 366.093(3)(b), Florida Statutes.

Ruling

Upon review, it appears that the information for which confidential classification is sought is confidential proprietary business information within the meaning of Section 366.093(3), Florida Statutes. Accordingly, those portions of Document Nos. 05791-03 and 05817-03 specified in the table below shall be granted confidential classification.

| Staff Work Paper Number | Page | Line                                | Approved | Type of Information Classified Confidential       |
|-------------------------|------|-------------------------------------|----------|---|
| 9                       | 1    | Col C, 1-51                         | Grant    | Internal Auditing Reports and Controls            |
| 9                       | 2    | Col C, 52-81                        | Grant    | Internal Auditing Reports and Controls            |
| 16-4/2-1/2-1            | 1    | 6,7-12,14-18,21-25                  | Grant    | Sensitive Contractual and Competitive Information |
| 16-4/2-1/2-1/1          | 1    | Col A-B, 1-7, 16-21;<br>Col C-F, 21 | Grant    | Sensitive Contractual and Competitive Information |
| 16-4/2-1/2-1/1          | 3    | 3-5,13                              | Grant    | Sensitive Contractual and Competitive Information |

| Staff Work Paper Number | Page | Line   | Approved | Type of Information Classified Confidential       |
|-------------------------|------|--|----------|---|
| 16-4/2-1/2-1/1          | 4    | 1, 5, 8-14, 32, 34-37                                  | Grant    | Sensitive Contractual and Competitive Information |
| 16-4/2-1/2-1/1          | 5    | 2-5, 15, 17, 19-22, 32, 36                             | Grant    | Sensitive Contractual and Competitive Information |
| 16-4/2-1/2-1/1          | 6    | 1-2, 5, 9-36   | Grant    | Sensitive Contractual and Competitive Information |
| 16-4/2-1/2-1/1          | 7    | 1-3, 5, 7-8  | Grant    | Sensitive Contractual and Competitive Information |
| 16-4/2-1/2-1/2          | 1    | Col A, 1A, 2-6, 15B, 15C;<br>Col C, 6;<br>16-19, 21-27 | Grant    | Sensitive Contractual and Competitive Information |
| 16-4/2-1/2-1/2          | 2    | Col A, 3   | Grant    | Sensitive Contractual and Competitive Information |
| 16-4/2-1/2-1/2          | 3    | 7, 27  | Grant    | Sensitive Contractual and Competitive Information |
| 16-4/2-1/2-1/2          | 4    | 1, 3-6, 18-30  | Grant    | Sensitive Contractual and Competitive Information |
| 16-4/2-1/2-1/2          | 5    | 1, 3-20  | Grant    | Sensitive Contractual and Competitive Information |
| 16-4/2-1/2-1/2          | 6    | 1, 6   | Grant    | Sensitive Contractual and Competitive Information |
| 16-4/2-1/2-1/2          | 7    | 1, 4-7, 9-12, 14-15                                    | Grant    | Sensitive Contractual and Competitive Information |

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|-------------------------|------|--|----------|---|
| 16-4/2-1/2-1/2          | 8    | 1,4-6  | Grant    | Sensitive Contractual and Competitive Information |
| 16-4/2-1/2-1/3          | 1    | Col A, 2-5,32-34;<br>Col B, 1,1A,13,27;<br>Col C, 14,18,25,32-34 | Grant    | Sensitive Contractual and Competitive Information |
| 16-4/2-1/2-1/3          | 2    | 1,11;<br>Col B, 2  | Grant    | Sensitive Contractual and Competitive Information |
| 16-4/2-1/2-1/3          | 3    | 3-5,19-21  | Grant    | Sensitive Contractual and Competitive Information |
| 16-4/2-1/2-1/3          | 4    | 4,10-18  | Grant    | Sensitive Contractual and Competitive Information |
| 41-1/1-1                | 1    | Col A-B, 1-2,4,8-9;<br>Col G, 1b,2b,4b,8b,9b                     | Grant    | Sensitive Competitive Information                 |
| 41-1/1-1                | 2    | Col A-B, 11-16;<br>Col G, 11b,12b,13b,14b,15b,16b                | Grant    | Sensitive Competitive Information                 |
| 41-1/2-1                | 1    | Col A-B, 1-2,4,6;<br>Col G, 1b,2b,4b,6b                          | Grant    | Sensitive Competitive Information                 |
| 41-1/2-1                | 2    | Col A-B, 9-10,12-14;<br>Col G, 9b,10b,12b,13b,14b                | Grant    | Sensitive Competitive Information                 |
| 41-1/2-1                | 3    | Col A-B, 15-18;<br>Col G, 15b,16b,17b,18b                        | Grant    | Sensitive Competitive Information                 |
| 41-3                    | 1    | Col A-B, 1-6,8;<br>Col F, 1b,2b,3b,4b,5b,6b,8b                   | Grant    | Sensitive Competitive Information                 |
| 41-3                    | 2    | Col A-B, 11,12;<br>Col F, 11b,12b                                | Grant    | Sensitive Competitive Information                 |

| Staff Work Paper Number | Page | Line   | Approved | Type of Information Classified Confidential |
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| 44-5/3                  | 1    | Col A-C, J-L, N,<br>1-2, 7-8, 10-14, 16,<br>20-21, 25-26, 31,<br>34-36, 41-44, 46,<br>48-52, 56-58   | Grant    | Sensitive Competitive Information           |
| 44-5/3                  | 2    | Col A-C, J-L, N,<br>1, 3, 6-7, 11, 14, 16-<br>19,<br>21, 27-29, 31, 34,<br>36-40, 42-43, 45-48,<br>51, 56, 58, 60-63   | Grant    | Sensitive Competitive Information           |
| 44-5/3                  | 3    | Col A-C, J-L, N,<br>2, 6, 9, 14-15, 17,<br>19-22, 25, 29, 31-34,<br>36-37, 40-44, 49-54,<br>56, 58, 60, 63-64  | Grant    | Sensitive Competitive Information           |
| 44-5/3                  | 4    | Col A-C, J-L, N,<br>3-4, 7-10, 13-14,<br>16-19, 21, 24-26,<br>29-31, 34-35, 37,<br>40-41, 46, 48-50,<br>52-54, 56-57, 60-61,<br>64   | Grant    | Sensitive Competitive Information           |
| 44-5/3                  | 5    | Col A-C<br>3-5, 7-8, 11-12, 16-<br>17,<br>21-23, 26-27, 30,<br>33-34, 36, 39-42, 44,<br>48, 52-53, 56, 59,<br>61-63, 65<br>J-L, N,<br>3-5, 7-8, 11-12, 16-<br>17,<br>21-23, 26-27, 30,<br>33-34, 39-42, 44,<br>48, 52-53, 56, 59,<br>61-63, 65 | Grant    | Sensitive Competitive Information           |

| Staff Work Paper Number | Page | Line  | Approved | Type of Information Classified Confidential |
|-------------------------|------|---|----------|---|
| 44-5/3                  | 6    | Col A-C, J-L, N,<br>1-5, 7, 9, 13, 17-18,<br>22-24, 26, 29, 31-32,<br>36, 41-44, 48, 50, 52,<br>55, 57, 59-64                             | Grant    | Sensitive Competitive Information           |
| 44-5/3                  | 7    | Col A-C, J-M,<br>7-8, 10, 12, 14, 16-22,<br>25-26, 31, 38-39, 41,<br>43, 49-51, 53-54, 56,<br>58, 60-61, 63-65                            | Grant    | Sensitive Competitive Information           |
| 44-5/3                  | 8    | Col A-C,<br>1-2, 4-5, 7-8, 12-15,<br>22-23, 29, 31-32, 35,<br>38-39<br>J-L, N,<br>1-2, 4-5, 7-8, 12-15,<br>22-23, 29, 31-32, 35,<br>38    | Grant    | Sensitive Competitive Information           |
| 44-5/3-1                | 1    | Col D-F, 1a, 1b, 1c,<br>2-11  | Grant    | Sensitive Competitive Information           |
| 44-5/3-1/1              | 2    | Col A, 1-2;<br>Col B, 1-3, 11-13,<br>15-16;<br>Col C, 8-9, 11-13,<br>15-16, 21-44;<br>Col E, 11-13, 15-36;<br>Col F, 8-9, 11-13,<br>15-44 | Grant    | Sensitive Competitive Information           |
| 44-5/3-1/1              | 3    | Col A, 1-2;<br>Col B, 1-3, 10-13,<br>15-16;<br>Col C, 8-13, 15-16,<br>21-44;<br>Col E, 10-13, 15-36;<br>Col F, 8-13, 15-44                | Grant    | Sensitive Competitive Information           |

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|-------------------------|------|---|----------|---|
| 44-5/3-1/1              | 4    | Col A, 1-2;<br>Col B, 1-3,11-13, 15-16;<br>Col C, 8-9,11-13, 15-16,21-44;<br>Col E, 11-13,15-36;<br>Col F, 8-9,11-13, 15-44 | Grant    | Sensitive Competitive Information           |

Section 366.093(4), Florida Statutes, provides that any finding by the Commission that records contain proprietary confidential business information shall be effective for a period not to exceed eighteen months, unless the Commission finds good cause to specify a longer period. FPL did not request an extension to this period of classification. As such, the information identified in Document Nos. 05791-03 and 05817-03, and as described above, shall be granted confidential classification for a period of eighteen months from the date of issuance of this Order.

Based on the foregoing, it is

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that the information described in the body of this Order and contained in Document Nos. 05791-03 and 05817-03 shall be granted confidential classification. It is further

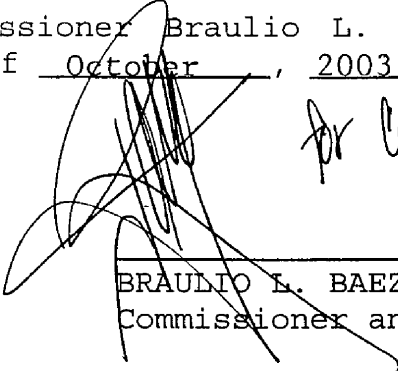
ORDERED that pursuant to Rule 25-22.066, Florida Administrative Code, and Section 366.093(3), Florida Statutes, confidentiality granted to the documents specified herein shall expire eighteen months from the date of the issuance of this Order in the absence of a renewed request for confidentiality. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

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By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 21st day of October, 2003.

*pr Commissioner Braulio L. Baez*

  
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BRAULIO L. BAEZ  
Commissioner and Prehearing Officer

( S E A L )

LAH

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and



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Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.