

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost
recovery clause.

DOCKET NO. 030002-EG
ORDER NO. PSC-03-1183-CFO-EG
ISSUED: October 21, 2003

ORDER GRANTING REQUEST FOR EXTENSION OF
CONFIDENTIAL CLASSIFICATION GRANTED BY
ORDER NO. PSC-01-2268-PHO-EG OF CERTAIN MATERIAL OBTAINED
DURING THE ENERGY CONSERVATION COST RECOVERY AUDIT

On June 13, 2001, 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, 2000, 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 July 12, 2001, as Document No. 08528-01.

On June 29, 2001, 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 certain materials obtained during the above-referenced audit. FPL's request included redacted public copies (Document No. 08098-01) and copies with the sensitive information highlighted (Document No. 08099-01), as required by Rule 25-22.006, Florida Administrative Code. By Order No. PSC-01-2268-PHO-EG, issued November 19, 2001, the Commission granted FPL's request for an eighteen-month confidential classification to this audit material.

On May 15, 2003, FPL filed its First Request for Extension of Confidential Classification of Material Provided Pursuant to Audit No. 01-058-4-2. The documents that are the subject of FPL's request, which include the staff-filed originals of the sensitive working papers (Document No. 08528-01) and FPL-filed copies of the working papers with the sensitive information highlighted (Document No. 08099-01), are currently being held by the Commission's Division of Clerk and Administrative Services as confidential

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pending resolution of FPL's request for extension of confidential classification.

In its request, FPL states that the period of confidential classification granted by the Commission will soon expire, and that the information that was the subject of FPL's June 29, 2001, Request warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093, Florida Statutes.

FPL requests an extension of the confidential classification pursuant to Rule 25-22.006(9)(c), Florida Administrative Code, on the basis that these working papers still contain sensitive materials consisting of information that is or is related to internal audit reports, customer account information, contract pricing information, and employee personnel information unrelated to compensation, duties, qualifications or responsibilities. FPL maintains that nothing has changed since the issuance of PSC-01-2268-PHO-EG to render this information stale or public such that continued confidential treatment would not be appropriate.

Accordingly, FPL requests that the information identified in Order No. PSC-01-2268-PHO-EG be accorded confidential classification for an additional eighteen-month period. In addition, FPL requests that the information be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business.

Ruling

Upon review, I find it appropriate to grant FPL's request. The information as detailed below shall be granted confidential classification for an additional eighteen-month period, since the information continues to meet the criteria to be designated as proprietary confidential business information as set out in Section 366.093, Florida Statutes. The utility may request an additional eighteen-month period of confidential protection before this period tolls, or as needed.

The information for which an eighteen-month extension of confidential classification is granted is as follows:

Staff Work Paper Number	Page	Line(s)	Approved	Type of Information Classified Confidential
9	1	3,5-43	Grant	Internal auditing controls and reports of internal auditors
9	2	1-42	Grant	Internal auditing controls and reports of internal auditors
9	3	1-37	Grant	Internal auditing controls and reports of internal auditors
9-1	1-2	1-51	Grant	Internal auditing controls and reports of internal auditors
9-1	3	1-22	Grant	Internal auditing controls and reports of internal auditors
43-6	1	Col G, 1-21; Col H, 1-30; Col I, 1-21	Grant	Sensitive competitive and contractual information
43-6	2	Col G, 1-27; Col H & I, 1-30	Grant	Sensitive competitive and contractual information
43-6	3	Col G, 1-29; Col H, 1-31; Col I, 1-29	Grant	Sensitive competitive and contractual information
43-6	4	Col G, 1-5; Col H, 1-10; Col I, 1-10	Grant	Sensitive competitive and contractual information
43-6/1	1-9	Col A-C, J-L, N	Grant	Sensitive competitive information
43-6/2	1-9	Col A-C, J-L, N	Grant	Sensitive competitive information

Staff Work Paper Number	Page	Line(s)	Approved	Type of Information Classified Confidential
43-6/2-1	1	Col A & B, 1-3; Col C & F, 8-44; Col B, 11-16; Col E, 11-19; 36	Grant	Sensitive competitive information
43-6/2-1/1	1	Col B, 2-10	Grant	Sensitive competitive information
44-8/4	1-10	Col A-C, J-L, N	Grant	Sensitive competitive information
44-8/4-1	1	A & B, 1-3; Col C & F, 8-44; Col B, 11-16; Col E, 11-19; 36	Grant	Sensitive competitive information
44-8/4-1/1	1	Col B, 2-10	Grant	Sensitive competitive information
44-8/4-1/1-1	1	2-3, 20-21	Grant	Sensitive competitive information
44-8/4-1/1-1	2	40-43	Grant	Sensitive competitive information
44-8/4-2	1	Col A & B; 1-3; Col B, 5, 11-16; Col C & F, 8-44; Col E, 11-19 36	Grant	Sensitive competitive information
44-8/4-2/1	1	Col B, 2-10	Grant	Sensitive competitive information
44-8/4-2/1-1	1	2-3	Grant	Sensitive competitive information
44-8/4-2/1-1	2	38-45	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

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cause to specify a longer period. As such, the information identified in Document Nos. 08528-01 and 08099-01, and as described above, shall be granted confidential classification for an additional period of eighteen months from the date of issuance of this Order.

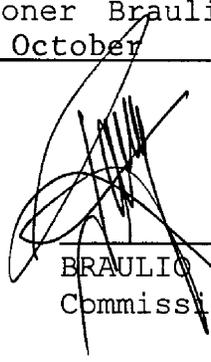
Based on the foregoing, it is

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that the information described in the body of this Order and contained in Document Nos. 08528-01 and 08099-01 shall be granted an additional eighteen months of 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.

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


for Commissioner Braulio L. Baez

BRAULIO L. BAEZ
Commissioner and Prehearing Officer

(S E A L)

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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 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.