

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery clause. | DOCKET NO. 060002-EG  
ORDER NO. PSC-06-0188-CFO-EG  
ISSUED: March 9, 2006

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ORDER GRANTING CONFIDENTIAL CLASSIFICATION  
FOR CERTAIN MATERIALS OBTAINED DURING  
THE CONSERVATION COST RECOVERY AUDIT  
OF FLORIDA POWER & LIGHT COMPANY  
(DOCUMENT NOS. 08245-04 and 08396-04 )

On August 3, 2004, pursuant to section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company (FPL) filed a request for confidential classification of certain materials provided pursuant to staff's "FPL Energy Conservation Cost Recovery Clause Audit for the Year Ended December 31, 2003." The utility's request included a redacted copy for public inspection (Exhibit B, document 08395-04) and a highlighted copy (document 08396-04). The request for confidential classification also included document 08245-04, consisting of those specified portions of the staff working papers FPL claimed were confidential. Document Nos. 08245-04 and 08396-04 are currently held by the Commission's Division of the Commission Clerk and Administrative Services as confidential pending resolution of FPL's request for 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 internal auditing controls and the reports of internal auditors, as well as customer-specific account information, which FPL considers to be confidential proprietary business information of the customer within the meaning of section 366.093 (3) (b) and (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.

Section 366.093 (3), Florida Statutes, provides as follows:

Proprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released

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to the public. Proprietary confidential business information includes but is not limited to:

....

(b) Internal auditing controls and the reports of internal auditors.

....

(e) Information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider of the information. . . .

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, Florida Statutes. Accordingly, those portions of Document Nos. 08245-04 and 08396-04 specified in the table below shall be granted confidential classification.

Staff Work Paper Number	Description	Page(s)	Line(s)	Approved	Type of Information Classified Confidential
Documents 08245-04 and 08396-04					
9	Internal Audit List	1	Col B, 1-51	Grant	Internal auditing controls and reports of internal auditors
9	Internal Audit List	2	Col B, 52-63	Grant	Internal auditing controls and reports of internal auditors
9-1	Internal Audit Notes	1-2	All	Grant	Internal auditing controls and reports of internal auditors
9-2	Internal Audit Notes	1-3	All	Grant	Internal auditing controls and reports of internal auditors
41-1/1-1	Calculation of Standby & Supplemental Factor July 2003	1	Cols A-B, 1,3,6,7; Col G, 1b,3b, 6b,7b;	Grant	Customer-specific account information
41-1/1-1	Calculation of Standby & Supplemental Factor July 2003	2	Cols A-B, 10-11, 14-15; Col G, 10b,11b, 14b,15b	Grant	Customer-specific account information
41-1/2-1	Calculation of Standby & Supplemental Factor October 2003	1	Cols A-B, 1,3,6-7,9; Col G,1b,3b, 6b,7b;	Grant	Customer-specific account information

Staff Work Paper Number	Description	Page(s)	Line(s)	Approved	Type of Information Classified Confidential
41-1/2-1	Calculation of Standby & Supplemental Factor October 2003	2	Cols, A-B, 12-15; Col G, 12b, 13b, 14b, 15b;	Grant	Customer-specific account information
41-3	List of RTP Customers	1	Cols A-C, 1-8, 11-12, 14-19, 27-31, 35-38;	Grant	Customer-specific account information
41-3/1	Calculation of RTP ECCR Factor July 2003	1	Cols A-B, 1, 3; Col G, 1b, 3b	Grant	Customer-specific account information
41-3/2	Calculation of RTP ECCR Factor October 2003	1	Cols A, B, 1, 3; Col G, 1b, 3b	Grant	Customer-specific account information
43-4	Audit Analyzer Sample of Source code 50	1	Col B, 5b, 6b, 8b, 11b, 14b, 15b, 16b, 17b, 18b, 19b, 20b, 21b;  Col E, 5-6, 11, 14-21	Grant	Customer-specific account information
43-4	Audit Analyzer Sample of Source code 50	2	Col B, 22b, 23b, 24b, 25b, 26b, 27b, 28b, 29b, 30b, 31b, 32b, 33b, 34b, 35b, 36b, 37b, 37b, 38b;  Col E, 22-38	Grant	Customer-specific account information
43-4	Audit Analyzer Sample of Source Code 50	3	Col B; 39b  Col E, 39	Grant	Customer-specific account information
43-4/1	Sample of Source Code 50's	1	Cols A, D, 1;  Col E, 3-4, 11-13, 16	Grant	Customer-specific account information
43-4/1	Sample of Source Code 50's	2	Cols A, 1, 21;  Col D, 1-2, 21-22;  Col E, 1, 21	Grant	Customer-specific account information
43-4/1	Sample of Source Code 50's	3	Col A, 9, 14;  Col D, 14;  Col E, 11	Grant	Customer-specific account information

Staff Work Paper Number	Description	Page(s)	Line(s)	Approved	Type of Information Classified Confidential
43-4/1	Sample of Source Code 50's	4	Cols A,D, 1,4,7,10, 13,16-17,19,21, 23-24; Col E, 17-22,24	Grant	Customer-specific account information
43-4/1	Sample of Source Code 50's	5	Cols A,D, 1,4,7,10, 13,16,19	Grant	Customer-specific account information
43-4/1	Sample of Source Code 50's	6	Cols A,D, 1,3,6,9, 12,15-18; Col E, 15-18	Grant	Customer-specific account information
43-4/1	Sample of Source Code 50's	7	Cols A,D, 1,7,10, 13,16,19,22	Grant	Customer-specific account information
43-5/1	Sample of Source Code 11	1	Col B, 2-7; Col E,F, 2-6	Grant	Customer-specific account information
44-7/2-1	CILC Billing Report	1	Cols A-C,J-L,N, 3,5,8-9,11-12, 14-15,17,19-21, 23-27,29,33-34,36, 38,40,42-43,47-48, 50-51,54-55,60,62, 64	Grant	Customer-specific account information
44-7/2-1	CILC Billing Report	2	Cols A-C,J-L,N, 73-74,77-82,87,89, 92-93,99-100,103, 105-106,108, 110-111,115,120, 122,124,129	Grant	Customer-specific account information
44-7/2-1	CILC Billing Report	3	Cols A-C,J-L,N, 134-135,139-140, 144-147,149-154, 156-161,164-166, 168-171,173,177, 179-180,184-187, 189-194,198	Grant	Customer-specific account information
44-7/2-1	CILC Billing Report	4	Cols A-C,J-L,N, 199,209,212,214, 216,219,222-223, 226-229,235,237, 239-240,243-244, 246,248-249, 253-254,256,259, 261-264	Grant	Customer-specific account information

Staff Work Paper Number	Description	Page(s)	Line(s)	Approved	Type of Information Classified Confidential
44-7/2-1	CILC Billing Report	5	Cols A-C,J-L,N, 265,269-270,272, 274-276,278,280, 282,284,286, 289-294,296,298, 300,302,306-308, 314,318,320, 326-330	Grant	Customer-specific account information
44-7/2-1	CILC Billing Report	6	Cols A-C,J-L,N, 331,333,338,344, 346,348,355,357, 359-361,363, 365-366,368-373, 375,383,389-391, 393,396	Grant	Customer-specific account information
44-7/2-1	CILC Billing Report	7	Cols A-C,J-L,N, 398-399,401-404, 408,411,413,415, 417-418,420-421, 426,428-432,434, 437,439,442-443, 445,451-453, 456-457,459, 461-462	Grant	Customer-specific account information
44-7/2-1	CILC Billing Report	8	Cols A-C,J-L,N, 463,465,468-470, 474-477,480,482, 486-487,490-493, 496,499-500	Grant	Customer-specific account information
44-7/2-1/1	Calculation of CILC Credits	1	Cols B,C,E,H,I, 1-11	Grant	Customer-specific account information
44-7/2-1/1-1	Power Billing Detail Report	2	Col A, 1-3  Col B, 1-3;10-12, 15-16;  Col C, 7-8, 10-12,15-16, 22-29,33-44  Col E, 10-12, 15-20,31-32  Col F, 7-8,10-13, 15-30,33-44	Grant	Customer-specific account information

Staff Work Paper Number	Description	Page(s)	Line(s)	Approved	Type of Information Classified Confidential
44-7/2-1/1-1	Power Billing Detail Report	3	Col A, 1-3;  Col B, 1-3,10-12, 15-16;  Col C, 7-8,10-12, 15-16,22-29,33-44;  Col E,10-12, 15-16,18-20, 31-32;  Col F, 7-8,10-13, 15-30,33-44	Grant	Customer-specific account information
44-7/2-1/1-1	Power Billing Detail Report	5	Col A, 1-3  Col B, 1-3, 10-12,14-15;  Col C, 7-8,10-12, 14-15,20-27,30-41;  Col E, 10-12, 14-18,28-29  Col F, 7-12,14-28, 30-41	Grant	Customer-specific account information
44-7/2-1/1-1	Power Billing Detail Report	8	Col A, 1-3;  Col B, 1-3,10-12, 14-15;  Col C, 7-8,10-12, 14-15,20-27,30-41;  Col E, 10-12, 14-18,28-29;  Col F, 7-8,10-12, 14-28,30-41	Grant	Customer-specific account information

Staff Work Paper Number	Description	Page(s)	Line(s)	Approved	Type of Information Classified Confidential
44-7/2-1/1-1	Power Billing Detail Report	9	Col A, 1-3; Col B, 1-3,10-12, 14-15; Col C, 7-8,10-12, 14-15,20-27,31-42; Col E, 10-12, 14-18,29-30 Col F, 7-8,10-12, 14-28,31-42	Grant	Customer-specific account information
44-7/2-1/1-2	C/I Load Agreement	1	2-3	Grant	Customer-specific account 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. Therefore, the information identified in Document Nos. 08245-04 and 08396-04, 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 Matthew M. Carter II, as Prehearing Officer, that the information described in the body of this Order and contained in Document Nos. 08245-04 and 08396-04 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.

By ORDER of Commissioner Matthew M. Carter II, as Prehearing Officer, this 9th  
day of March, 2006.



MATTHEW M. CARTER II  
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.