



March 15, 1996

Ms. Blanco S. Bayó, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

960000

**RE: NOTICE OF INTENT TO REQUEST  
CONFIDENTIAL CLASSIFICATION (NOI)**

Dear Ms. Bayó:

Please find enclosed an original and fifteen copies of FPL's Notice of Intent regarding the Commission Staff's Audit Document/Record Request Number FPLGLAM-1 dated February 8, 1996, for the Staff's Audit Review of FPL's Contract Bid and Procurement Procedures (Bidder's Complaint). Pursuant to F.A.C. Rule 25-22.006, Confidential Information, FPL hereby files its Notice of Intent with the Commission's Division of Records and Reporting. As is required by Rule 25-22.028, F.A.C., you will also find enclosed a diskette containing FPL's Petition in Word Perfect 5.2.

If you have any questions regarding this filing, please call me at (407) 625-7241.

Sincerely,

A handwritten signature in black ink, appearing to read 'EFT', written over a horizontal line.

Edward F. Tancer  
Attorney

EFT/dag

Enclosures

cc: Division of Research-Regulatory Review

DOCUMENT NUMBER-DATE

03184 MAR 18 96

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of Florida Power & Light )  
Company's Request for Confidential ) Undocketed  
Classification in the Audit of FPL's )  
Contract Bid and Procurement Procedures )  
(Bidder's Complaint)

NOTICE OF INTENT TO REQUEST  
CONFIDENTIAL CLASSIFICATION

Comes now Florida Power & Light Company (hereinafter FPL) and files this its Notice of Intent to Request Confidential Classification (hereinafter NOI) pursuant to F.A.C. Rule 25-22.006, Confidential Information, as amended and filed on April 6, 1990, FPSC Order No. 22795.

FPL further states:

1. Petitioner's name and address are:

Florida Power & Light Company  
P.O. Box 029100  
Miami, Florida 33102-9100

Orders, Notices, or other pleadings relevant hereto should be served on:

Edward F. Tancer, Esquire  
Law Department  
Florida Power & Light Company  
11770 U.S. Highway 1  
North Palm Beach, Florida 33408

and

W.G. Walker, III  
Vice President, Regulatory Affairs  
Florida Power & Light Company  
P.O. Box 029100  
Miami, Florida 33102-9100

2. Pursuant to the Florida Public Service Commission's ("Commission") audit of Contract Bids and Procurement Procedures (Bidder Complaint), the Commission's Staff has provided FPL with several written requests for information.

DOCUMENT NUMBER-DATE

03184 MAR 18 88

FPSC-RECORDS/REPORTING

3. The material identified by the following Staff Document/Record Request provided pursuant to the Commission's audit of Contract Bids and Procurement Procedures (Bidder Complaint) is intended to be and is treated by FPL as proprietary confidential business information as that term is defined in Section 366.093, Florida Statutes.
4. The following listed Document/Record Requests are confidential proprietary business information because disclosure of the information concerning bids and other contractual data of FPL's vendors would impair the efforts of FPL to contract for goods and services on favorable terms. The disclosure of the bid and contractual data would also impair the competitive business of the provider of the information. Therefore, the material is confidential pursuant to §366.093(3)(d) and (e).

<u>Request No.</u>	<u>Date of Request</u>	<u>Item No.</u>
1	February 8, 1996	Item 4 Item 5 Item 6 Item 8
2	February 20, 1996	Item 1
3	March 5, 1996	Item 4

5. The following listed Document/Record Requests are confidential proprietary business information because all Internal Auditing Reports are considered Confidential Business Information. Therefore, this material is confidential pursuant to §366.093(3)(b).

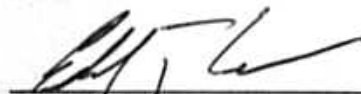
<u>Request No.</u>	<u>Date of Request</u>	<u>Item No.</u>
2	February 20, 1996	Item 2
3	March 5, 1996	Item 1 Item 2

6. Document/Record Requests 1, 2, and 3 are attached hereto as Attachment A.

7. Pursuant to F.A.C. Rule 25-22.006(3)(a), as amended, this filing constitutes a temporary exemption from Section 119.07, F.S., for the material identified by the Staff Document/Record Request delineated above, which the Staff obtains, as defined in Subsection (1)(e) of F.A.C. Rule 25-22.006. Furthermore, in accordance with Subsection (3)(d) of F.A.C. Rule 25-22.006, the Commission shall accord the material subject to the above listed Document/Record Request stringent safeguards against public disclosure.

WHEREFORE, FPL requests the Commission to treat the above-mentioned material identified as confidential in accordance with Subsection (3)(d) of Rule 25-22.006, Florida Administrative Code, as amended.

Respectfully submitted,



Edward F. Tancer, Esq.  
Florida Power & Light Company  
11770 U.S. Highway 1  
North Palm Beach, Florida 33408  
(407)625-7241  
Florida Bar No. 509159

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of Florida Power & Light Company's Notice of Intent to Request Confidential Classification was provided by first class mail to Lynn Fisher, Public Service Commission, Division of Research-Regulatory Review, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, on this 15th day of March, 1996.



Edward F. Tancer, Esq

FLORIDA PUBLIC SERVICE COMMISSION  
AUDIT DOCUMENT/RECORD REQUEST  
NOTICE OF INTENT

TO: Mr. Bill Walker  
 UTILITY: Florida Power and Light Company  
 FROM: Lynn Fisher  
 (AUDIT MANAGER)

Lynn Fisher  
 (AUDITOR PREPARING REQUEST)

REQUEST NUMBER: FPLGLAM-1  
 AUDIT PURPOSE: Bidder Complaint

DATE OF REQUEST: 2/8/96

REQUEST THE FOLLOWING ITEM(S) BE PROVIDED BY: \_\_\_\_\_ 2/19/96  
 (DATE)

REFERENCE RULE 25-22.006, F.A.C., THIS REQUEST IS MADE:  INCIDENT TO AN INQUIRY  
 OUTSIDE OF AN INQUIRY

## ITEM DESCRIPTION:

1. Provide a copy of FPL policies and procedures and a flowchart of the competitive bidding process.
2. Provide a current organization chart of the purchasing and procurement department.
3. Provide a copy of Glamour Industries supplier registration information and approved service commodity codes for type of work they are authorized to perform.
4. Provide a copy of contract B90802-00034 and all supporting documentation:
  - a. Requests for Bid
  - b. Bid proposals submitted
  - c. Evaluation of Bid Proposals
  - d. Correspondence regarding this contract
  - e. Addendum contracts
  - f. Contract change orders
  - g. Performance evaluation

(Item Description Continued On Back)

TO: AUDIT MANAGER Lynn Fisher

DATE: \_\_\_\_\_

## THE REQUESTED RECORD OR DOCUMENTATION:

- (1)  HAS BEEN PROVIDED TODAY
- (2)  CANNOT BE PROVIDED BY THE REQUESTED DATE BUT WILL BE MADE AVAILABLE BY \_\_\_\_\_
- (3)  AND IN MY OPINION, ITEM(S) \_\_\_\_\_ IS(ARE) PROPRIETARY AND CONFIDENTIAL BUSINESS INFORMATION AS DEFINED IN 364.183, 366.093, OR 367.156, F.S. TO MAINTAIN CONTINUED CONFIDENTIAL HANDLING OF THIS MATERIAL, THE UTILITY OR OTHER PERSON MUST, WITHIN 21 DAYS AFTER THE AUDIT EXIT CONFERENCE, FILE A REQUEST FOR CONFIDENTIAL CLASSIFICATION WITH THE DIVISION OF RECORDS AND REPORTING. REFER TO RULE 25-22.006, F.A.C.
- (4)  THE ITEM WILL NOT BE PROVIDED. (SEE ATTACHED MEMORANDUM)

\_\_\_\_\_  
 (SIGNATURE AND TITLE OF RESPONDENT)

Distribution: Original: Utility (for completion and return to Auditor)  
 Copy: Audit File and FPSC Analyst

5. Provide a copy of contract B93335-00069 and all supporting documentation:
  - a. Requests for Bid
  - b. Bid proposals submitted
  - c. Evaluation of Bid Proposals
  - d. Correspondence regarding this contract
  - e. Addendum contracts
  - f. Contract change orders
  - g. Performance evaluations
6. Copy of any other contracts which have been awarded to Glamour Industries in the past 3 years including dollar amount of contracts. Also provide performance evaluations for any contracts.
7. Minutes of meeting held, or any record between Glamour and FPL, on August 2, 1994, at 400 S. W. 2nd Avenue, Miami, Florida.
8. All correspondence between FPL and Glamour.

FLORIDA PUBLIC SERVICE COMMISSION  
AUDIT DOCUMENT/RECORD REQUEST  
NOTICE OF INTENT

TO: Mr. Bill Walker  
UTILITY: Florida Power and Light Company  
FROM: Lynn Fisher  
(AUDIT MANAGER)

Lynn Fisher  
(AUDITOR PREPARING REQUEST)

REQUEST NUMBER: FPLGLAM-2  
AUDIT PURPOSE: Bidder Complaint

DATE OF REQUEST: 2/20/96

REQUEST THE FOLLOWING ITEM(S) BE PROVIDED BY: \_\_\_\_\_  
(DATE) 2/26/96

REFERENCE RULE 25-22.006, F.A.C., THIS REQUEST IS MADE:  INCIDENT TO AN INQUIRY  
 OUTSIDE OF AN INQUIRY

ITEM DESCRIPTION:

1. Provide a copy of any contract(s), and all supporting information, for oil spill clean-up in the Southeast Area of FPL covering the period 1994-1996 including:
  - a. Requests for Bid
  - b. Bid proposals submitted
  - c. Evaluation of Bid Proposals
  - d. Correspondence regarding this contract
  - e. Addendum contracts
  - f. Contract change orders
  - g. Performance evaluations
2. Provide a list of any FPL audits or security investigations of contract bids, the bid process, vendors involved in bidding, or bidding irregularities and conflicts during the period 1993-1996 to-date.
3. Provide copies of minutes, or any record, of a meeting held in the March-April 1993 time frame between FPL and Glamour representatives concerning allegations of overbilling.

(Item Description Continued On Back)

TO: AUDIT MANAGER Lynn Fisher

DATE: \_\_\_\_\_

THE REQUESTED RECORD OR DOCUMENTATION:

- (1)  HAS BEEN PROVIDED TODAY
- (2)  CANNOT BE PROVIDED BY THE REQUESTED DATE BUT WILL BE MADE AVAILABLE BY \_\_\_\_\_
- (3)  AND IN MY OPINION, ITEM(S) \_\_\_\_\_ IS(ARE) PROPRIETARY AND CONFIDENTIAL BUSINESS INFORMATION AS DEFINED IN 364.183, 366.093, OR 367.156, F.S. TO MAINTAIN CONTINUED CONFIDENTIAL HANDLING OF THIS MATERIAL, THE UTILITY OR OTHER PERSON MUST, WITHIN 21 DAYS AFTER THE AUDIT EXIT CONFERENCE, FILE A REQUEST FOR CONFIDENTIAL CLASSIFICATION WITH THE DIVISION OF RECORDS AND REPORTING. REFER TO RULE 25-22.006, F.A.C.
- (4)  THE ITEM WILL NOT BE PROVIDED. (SEE ATTACHED MEMORANDUM)

\_\_\_\_\_  
(SIGNATURE AND TITLE OF RESPONDENT)

Distribution: Original: Utility (for completion and return to Auditor)  
Copy: Audit File and FPSC Analyst

4. Explain the results and outcome of the meeting described in item 4 above.



FLORIDA PUBLIC SERVICE COMMISSION  
AUDIT DOCUMENT/RECORD REQUEST  
NOTICE OF INTENT

TO: Starr Adams  
UTILITY: Florida Power & Light Company  
FROM: Lynn Fisher (AUDIT MANAGER) Lynn Fisher (AUDITOR PREPARING REQUEST)  
REQUEST NUMBER: FPLGLAM 3 DATE OF REQUEST: 3/5/96  
AUDIT PURPOSE: Bidder Complaint

REQUEST THE FOLLOWING ITEM(S) BE PROVIDED BY: 3/12/96  
(DATE)

REFERENCE RULE 25-22.006, F.A.C.. THIS REQUEST IS MADE:  INCIDENT TO AN INQUIRY  
 OUTSIDE OF AN INQUIRY

ITEM DESCRIPTION:

1. Provide copies of the following audits in the FPL Tallahassee office for review:  
93-03 Corporate Procurement Bidding Process  
93-15 Distribution Procurement Audit  
93-46 Distribution Construction-East/Contract Administration Audit  
95-32 Conflict of Interest Special Audit  
95-35 Corporate Procurement Audit
2. Provide any memos, letters, correspondence, or other documents regarding disciplinary actions against FPL employees relating to Glamour, or other Distribution contract bidding and procurement contracts, in the last three years.
3. Provide copies of FPL General Operating Procedures 3 and 4, relating to company audits and security investigations.
4. Provide full size copies of the completed spreadsheet analysis for the 1993 Oil Spill Clean-up Broward County bid JRV702-628319 and the Sod Restoration bid JLM706-008704.
5. What were the total dollars Glamour was alleged to have over billed FPL in the Sod Restoration Contract B-90802-00034 in 1993? What was the final amount Glamour repaid

(Item Description Continued On Back)

TO: AUDIT MANAGER Lynn Fisher DATE: \_\_\_\_\_

THE REQUESTED RECORD OR DOCUMENTATION:

- (1)  HAS BEEN PROVIDED TODAY
- (2)  CANNOT BE PROVIDED BY THE REQUESTED DATE BUT WILL BE MADE AVAILABLE BY \_\_\_\_\_
- (3)  AND IN MY OPINION, ITEMS (NAME) PROPRIETARY AND CONFIDENTIAL BUSINESS INFORMATION AS DEFINED BY 304.163, 304.093, OR 307.158, F.S. TO MAINTAIN CONTINUED CONFIDENTIAL HANDLING OF THIS MATERIAL, THE UTILITY OR OTHER PERSON MUST, WITHIN 21 DAYS AFTER THE AUDIT EXIT CONFERENCE, FILE A REQUEST FOR CONFIDENTIAL CLASSIFICATION WITH THE DIVISION OF RECORDS AND REPORTING. REFER TO RULE 25-22.006, F.A.C.
- (4)  THE ITEM WILL NOT BE PROVIDED. (SEE ATTACHED MEMORANDUM)

Distribution: Original: UTILITY (for completion and return to Auditor)  
Copy: Audit File and FPSC Analyst

(SIGNATURE AND TITLE OF RESPONDENT)

FPL for the alleged over billing? Explain any differences in these amounts and how they were reconciled.

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