

STEEL ■
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Jonathan I. Sjöström, Director & Day
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ORIGINAL
FILE COPY

January 31, 1997

Jonathan I. Sjöström

By Hand Delivery

Blanca S. Bayó, Director
Records and Reporting
Florida Public Service Commission
4075 Esplanade Way, Room 110
Tallahassee, Florida 32399-0850

**Re: Conservation Cost Recovery Clause
Docket No. 970002-EG**

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company are the following documents

- 1 The original and fifteen (15) copies of FPL's Request for Confidential Treatment of Certain Material Obtained During Staff's Audit Review including the affidavits of Lisa Nass and Mark Livingston, and a justification matrix
- 2 One highlighted copy of materials for which FPL requests confidential treatment
- 3 Two copies of the redacted materials for which FPL requests confidential treatment
- 4 One diskette containing justification matrix of material for which FPL requests confidential treatment

If you or your Staff have any questions regarding this filing, please contact me

Very truly yours,


Jonathan Sjöström

JS/ld
cc: Robert V. Elias, Esq

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of Florida Power &)
Light Company's Request for)
Confidential Classification in)
the Audit of FPL's Request for)
Energy Conservation Cost)
Recovery)
/

DOCKET NO 970002-EG

FILED: January 31, 1997

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF CERTAIN MATERIAL
OBTAINED DURING THE STAFF'S AUDIT REVIEW OF FPL'S REQUEST
FOR ENVIRONMENTAL COMPLIANCE COST RECOVERY**

Florida Power & Light Company ("FPL") hereby requests confidential classification of certain material obtained during the Staff's audit review of FPL's request for energy conservation cost recovery (ECCR). This request for confidential classification is filed pursuant to section 25-22.006 of the Florida Administrative Code and section 366.093 of the Florida Statutes. 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 related to this request should be served on

Charles A. Guyton
Steel Hector & Davis LLP
215 South Monroe Street, Suite 601
Tallahassee, Florida 32301-1804

2. Pursuant to the Commission Staff's audit review of FPL's ECCR request, Staff requested that FPL provide certain information. Two of Staff's requests included information

DOCUMENT NUMBER DATE

01206 JAN 31 5

FPSC-RECORDS/REPORTING

FPL believes to be entitled to confidential treatment pursuant to Rule 25-22.006 and section 366.093 of the Florida Statute. Staff's request 6 required FPL to provide data related to commercial programs which included FPL employee names and employee numbers (consisting of the last four digits of each employee's social security number). Staff's request 25 required FPL to provide examples of customer bill histories in order to permit staff to recalculate the ECCR charges.

3. The following exhibits are attached hereto or are being filed separately, but contemporaneously herewith:

- a. Composite Exhibit A consists of all documents for which FPL seeks confidential treatment. All information contended by FPL to be entitled to confidential treatment has been highlighted in Composite Exhibit A. Composite Exhibit A is being filed separately in a sealed box marked "CONFIDENTIAL."
- b. Composite Exhibit B, attached, consists of all documents for which FPL seeks confidential treatment. All information contended by FPL to be entitled to confidential treatment has been redacted in Composite Exhibit B.
- c. Exhibit C, attached, is a line by line and page by page justification matrix including identification of information for which confidential treatment is sought and correlation of the confidential information with the specific justification for the claim of confidentiality.
- d. Exhibit D, attached is the affidavit of Lisa M. Nass.
- e. Exhibit E, attached, is the affidavit of Mark D. Livingston.
- f. Exhibit F is a computer diskette containing FPL's justification matrix (Exhibit C).

4. The material in Exhibit A for which FPL seeks confidential treatment should not be declassified for a period of at least 18 months and should be returned to FPL in accordance

with section 366.093(4) of the Florida Statutes as soon as the information is no longer necessary for the Commission to conduct its business. The materials should remain confidential while at the Commission and should be returned to FPL so that FPL can maintain the confidential nature of the documents.

5. FPL seeks confidential protection for this information pursuant to sections 366.093(2)(e) (data disclosure of which has the potential to cause competitive harm) and 366.093(f) (employee personnel information), Florida Statutes. Pursuant to section 366.093, such materials are entitled to confidential treatment and exempt from the mandatory disclosure provisions of the public records law. Thus, the Commission is not required to balance the danger of disclosure against the public interest in access.

The specific material identified in FPL's justification matrix, Exhibit C, as confidential correlates to either of two justifications:

Justification A

The information is exempt from disclosure pursuant to section 366.093(e) of the Florida Statutes. The information consists of identifying information of specific customers included on billing histories for the customers. The data includes highly detailed demand and energy usage data for the customer. The material for which confidential classification is sought is intended to be and is treated by FPL as private and has not been disclosed. It is FPL's policy to protect such customer specific data to the fullest extent permissible under the law. Access to customer specific information is limited within the company on a need to know basis and employees are specifically instructed to avoid dissemination of such information outside the company.

Dissemination of customer billing data is competitively harmful both to FPL and to the customer. Dissemination could permit FPL's competitors to target FPL's customers now and in the future. Moreover, competitors of FPL's customers could learn important information concerning the customer's operation. The Commission has "consistently found that customer-specific electric demand and energy data is confidential business information." In re: Petition of Florida Power and Light Company to Determine Need for Electrical Power Plant -- Lauderdale Repowering, 90 FPSC 4:566, 569 (April 23, 1990). Therefore the information relates to the competitive interests of both FPL and its individual customers and is proprietary confidential business information of FPL and the customers.

Justification B

The information is exempt from disclosure pursuant to section 366.093(f) of the Florida Statutes. In response to Staff's request 6, FPL provided a list of FPL employees involved with FPL's commercial programs. The list included the names, employee numbers and certain compensation information of such employees. The employee number consists of the last four digits of the employee's social security number. FPL seeks confidential treatment solely of the social security number portions in the list. The material for which confidential classification is sought is intended to be and is treated by FPL as private and has not been disclosed. Section 366.093(3)(f) specifically provides for the confidentiality of "[e]mployee personnel information unrelated to compensation, duties, qualifications, or responsibilities." The Commission has previously determined that social security numbers of utility employees constitutes "information unrelated to the

employees' compensation, duties, qualifications or responsibilities and, therefore, is information exempt from public disclosure . . . " In Re Comprehensive Review of the Revenue Requirements and Rate Stabilization Plan of Southern Bell Telephone and Telegraph Co., 94 FPSC 4:129, 134 (April 11, 1994) (applying identical Public Records Act exemption under Chapter 364)

CONCLUSION

FPL requests confidential treatment as to the material set out and the time periods described in the attached confidentiality justification matrix (Exhibit C)

Respectfully submitted,

STEEL HECTOR & DAVIS LLP
Charles A. Guyton
Jonathan Sjostrom
Attorneys for Florida Power
& Light Company
215 South Monroe Street, Suite 601
Tallahassee, Florida 32301-1804
(904) 222-2300

By: _____
Jonathan Sjostrom

EXHIBIT A

CONFIDENTIAL MATERIAL

EXHIBIT C

Page	Line(s)	Description	Justification
1	1	Customer Identifying Information	A
2	1-4	Customer Identifying Information	A
3	1-4	Customer Identifying Information	A
4	1-4	Customer Identifying Information	A
5	1-4	Customer Identifying Information	A
6	1-4	Customer Identifying Information	A
7	1-4	Customer Identifying Information	A
8	1-4	Customer Identifying Information	A
9	1-4	Customer Identifying Information	A
10	1-4	Customer Identifying Information	A
11	1-4	Customer Identifying Information	A
12	1-4	Customer Identifying Information	A
13	1-4	Customer Identifying Information	A
14	1-4	Customer Identifying Information	A
15	1-4	Customer Identifying Information	A
16	1-4	Customer Identifying Information	A
17	1-4	Customer Identifying Information	A
18	1-4	Customer Identifying Information	A
19	1-4	Customer Identifying Information	A
20	1	Customer Identifying Information	A
21	1-4	Customer Identifying Information	A
22	1-4	Customer Identifying Information	A

Page	Line(s)	Description	Justification
23	1-44	Employee Number	B
24	1-44	Employee Number	B
25	1-7, 12-44	Employee Number	B
26	1-44	Employee Number	B
27	1-44	Employee Number	B
28	1-44	Employee Number	B
29	1-19, 23-44	Employee Number	B
30	1-44	Employee Number	B
31	3-17, 22, 27, 32-42	Employee Number	B
32	3-46	Employee Number	B
33	2-45	Employee Number	B
34	2-45	Employee Number	B
35	2-45	Employee Number	B
36	2-8, 13-45	Employee Number	B
37	2-45	Employee Number	B
38	2-45	Employee Number	B
39	2-45	Employee Number	B
40	3-21, 26-46	Employee Number	B
41	2-45	Employee Number	B
42	2-45	Employee Number	B
43	1-19, 22-27, 30-40	Employee Number	B
44	1-44	Employee Number	B

Page	Line(s)	Description	Justification
45	1-43	Employee Number	B
46	1-44	Employee Number	B
47	1-44	Employee Number	B
48	1-14, 18-41	Employee Number	B
49	1-44	Employee Number	B
50	1-34, 37-42	Employee Number	B
51	1-44	Employee Number	B
52	1-44	Employee Number	B
53	1-44	Employee Number	B
54	3-46	Employee Number	B
55	1-6, 11-43	Employee Number	B
56	1-44	Employee Number	B
57	1-9, 14, 19, 24-28, 33-44	Employee Number	B
58	1-44	Employee Number	B
59	1-44	Employee Number	B
60	1-44	Employee Number	B
61	1-44	Employee Number	B
62	1-6, 11-44	Employee Number	B
63	1-44	Employee Number	B
64	1-44	Employee Number	B
65	1-44	Employee Number	B
66	1-21, 26-44	Employee Number	B

Page	Line(s)	Description	Justification
67	1-44	Employee Number	B
68	1-44	Employee Number	B
69	1-20, 25-29, 34-44	Employee Number	B
70	1-44	Employee Number	B
71	1-44	Employee Number	B
72	1-6, 11-44	Employee Number	B
73	1-44	Employee Number	B
74	1-34, 41-44	Employee Number	B
75	1-44	Employee Number	B
76	1-44	Employee Number	B
77	1-9, 14-44	Employee Number	B
78	2-45	Employee Number	B
79	1-44	Employee Number	B
80	1-44	Employee Number	B
81	1-35, 40-44	Employee Number	B
82	1-44	Employee Number	B
83	1-44	Employee Number	B
84	2-45	Employee Number	B
85	1-44	Employee Number	B
86	1-44	Employee Number	B
87	1-44	Employee Number	B
88	1-44	Employee Number	B

Page	Line(s)	Description	Justification
89	2-14, 19-45	Employee Number	B
90	1-44	Employee Number	B
91	1-44	Employee Number	B
92	1-44	Employee Number	B
93	1-32, 37-44	Employee Number	B
94	1-44	Employee Number	B
95	1-44	Employee Number	B
96	1-31, 36-40	Employee Number	B
97	1-44	Employee Number	B
98	1-44	Employee Number	B
99	1-35, 39-44	Employee Number	B
100	1-44	Employee Number	B
101	1-44	Employee Number	B
102	1-39	Employee Number	B
103	1-44	Employee Number	B
104	1-44	Employee Number	B
105	1-44	Employee Number	B
106	1-44	Employee Number	B
107	1-44	Employee Number	B
108	1-30, 34-44	Employee Number	B
109	1-44	Employee Number	B
110	1-31, 36, 41-42	Employee Number	B

Page	Line(s)	Description	Justification
111	1-8, 13-44	Employee Number	B
112	1-44	Employee Number	B
113	1-44	Employee Number	B
114	1-44	Employee Number	B
115	1-14, 19-44	Employee Number	B
116	1-44	Employee Number	B
117	1-44	Employee Number	B
118	1-44	Employee Number	B
119	1-16, 21-44	Employee Number	B
120	1-44	Employee Number	B
121	1-44	Employee Number	B
122	1-15, 20-25, 30-44	Employee Number	B
123	1-44	Employee Number	B
124	1-44	Employee Number	B
125	2-45	Employee Number	B
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127	1-28, 36-44	Employee Number	B
128	1-44	Employee Number	B
129	1-6, 12-44	Employee Number	B
130	1-44	Employee Number	B
131	1-44	Employee Number	B
132	1-21, 26, 32- 44	Employee Number	B

Page	Line(s)	Description	Justification
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138	1-5, 11-44	Employee Number	B
139	1-44	Employee Number	B
140	1-44	Employee Number	B
141	1-7, 12-13, 19- 44	Employee Number	B
142	1-44	Employee Number	B
143	1-27, 32-38, 44	Employee Number	B
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145	1-38, 44	Employee Number	B
146	1-44	Employee Number	B
147	1-27, 34-44	Employee Number	B
148	1-44	Employee Number	B
149	1-21, 27-44	Employee Number	B
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151	1-44	Employee Number	B
152	1-44	Employee Number	B
153	1-4, 9, 14-44	Employee Number	B
154	1-19, 24-44	Employee Number	B

Page	Line(s)	Description	Justification
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156	1-9, 14-44	Employee Number	B
157	1-44	Employee Number	B
158	1-27, 32-42	Employee Number	B
159	2-44	Employee Number	B
160	1-44	Employee Number	B
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162	1-16, 22-44	Employee Number	B
163	1-44	Employee Number	B
164	1-44	Employee Number	B
165	1-41	Employee Number	B
166	2-44	Employee Number	B
167	1-41	Employee Number	B
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169	1-44	Employee Number	B
170	1-1-12, 17-42	Employee Number	B
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172	1-44	Employee Number	B
173	1-2, 7-44	Employee Number	B
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175	2-44	Employee Number	B
176	1-44	Employee Number	B

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183	1-3, 9-44	Employee Number	B
184	1039, 44	Employee Number	B
185	1-25, 31-44	Employee Number	B
186	1-44	Employee Number	B
187	5-40	Employee Number	B
188	2-44	Employee Number	B
189	1-44	Employee Number	B
190	1-44	Employee Number	B
191	1-39	Employee Number	B
192	1-44	Employee Number	B
193	1-44	Employee Number	B
194	1-44	Employee Number	B
195	1-44	Employee Number	B
196	1-18, 23-44	Employee Number	B
197	1-4, 10-44	Employee Number	B
198	1-44	Employee Number	B

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204	1-44	Employee Number	B
205	1-44	Employee Number	B
206	1-10, 17-44	Employee Number	B
207	1-44	Employee Number	B
208	1-32, 38-44	Employee Number	B
209	1-44	Employee Number	B
210	1-44	Employee Number	B
211	1-44	Employee Number	B
212	1-21, 26-44	Employee Number	B
213	1-4, 8-44	Employee Number	B
214	1, 6-44	Employee Number	B
215	1-28, 33-44	Employee Number	B
216	1-11, 16-44	Employee Number	B
217	1-23, 29-44	Employee Number	B
218	1-16, 22-44	Employee Number	B
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220	1-44	Employee Number	B

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229	1-29, 34-44	Employee Number	B
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231	1-44	Employee Number	B
232	1-44	Employee Number	B
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234	1-44	Employee Number	B
235	1-27, 34-44	Employee Number	B
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237	1-20, 25-44	Employee Number	B
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239	1-44	Employee Number	B
240	1-29, 34-44	Employee Number	B
241	1-27, 31-44	Employee Number	B
242	1-24, 28,44	Employee Number	B

Page	Line(s)	Description	Justification
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254	1-10, 15-44	Employee Number	B
255	1-44	Employee Number	B
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257	1-44	Employee Number	B
258	1-44	Employee Number	B
259	1-9, 14-44	Employee Number	B
260	1-44	Employee Number	B
261	1-4, 11-45	Employee Number	B
262	1-40	Employee Number	B
263	1-44	Employee Number	B
264	1-44	Employee Number	B

Page	Line(s)	Description	Justification
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266	1-12, 17-44	Employee Number	B
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269	1-44	Employee Number	B
270	1-4, 9-33, 38-44	Employee Number	B
271	1-44	Employee Number	B
272	1-9, 14-28, 33-44	Employee Number	B
273	1-44	Employee Number	B
274	1-44	Employee Number	B
275	1-38, 43	Employee Number	B
276	1-44	Employee Number	B
277	1-44	Employee Number	B
278	2-45	Employee Number	B
279	1-14, 19-38, 43-44	Employee Number	B
280	1-44	Employee Number	B
281	1-44	Employee Number	B
282	1-11, 16-35, 40-44	Employee Number	B
283	1-44	Employee Number	B
284	1-38, 43-44	Employee Number	B
285	1-44	Employee Number	B
286	1-32, 39-44	Employee Number	B

Page	Line(s)	Description	Justification
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288	1-17, 22-44	Employee Number	B
289	1-44	Employee Number	B
290	1-44	Employee Number	B
291	1-25, 30-44	Employee Number	B
292	1-18, 22-44	Employee Number	B
293	1-9, 14-44	Employee Number	B
294	1-18, 23-44	Employee Number	B
295	1-29, 34-44	Employee Number	B
296	1-12, 17-44	Employee Number	B
297	1-28, 33-44	Employee Number	B
298	1-3, 8-44	Employee Number	B
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300	1-44	Employee Number	B
301	1, 6-44	Employee Number	B
302	1-44	Employee Number	B
303	1-44	Employee Number	B
304	1-14, 19-38, 43-44	Employee Number	B
305	1-44	Employee Number	B
306	1-44	Employee Number	B
307	1-9, 14-39, 44	Employee Number	B
308	1-44	Employee Number	B

Page	Line(s)	Description	Justification
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310	1-44	Employee Number	B
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312	1-44	Employee Number	B
313	1-30, 35-44	Employee Number	B
314	1-44	Employee Number	B
315	1-44	Employee Number	B
316	1-42	Employee Number	B
317	1-35, 40-44	Employee Number	B
318	1-28, 33-44	Employee Number	B
319	1-41	Employee Number	B
320	1-44	Employee Number	B
321	1-11, 16-39, 44	Employee Number	B
322	1-44	Employee Number	B
323	1-13, 18-26, 31-44	Employee Number	B
324	1-44	Employee Number	B
325	1-44	Employee Number	B
326	1-29, 34-44	Employee Number	B
327	1-44	Employee Number	B
328	1-44	Employee Number	B
329	1-44	Employee Number	B
330	1-10, 16-34, 39-44	Employee Number	B

Page	Line(s)	Description	Justification
331	1-44	Employee Number	B
332	1-44	Employee Number	B
333	1-11, 16-44	Employee Number	B
334	4-44	Employee Number	B
335	1-44	Employee Number	B
336	1-6, 11-44	Employee Number	B
337	1-44	Employee Number	B
338	1-2	Employee Number	B

EXHIBIT D
AFFIDAVIT OF LISA NASS

STATE OF FLORIDA

AFFIDAVIT OF LISA M. NASS

COUNTY OF DADE

Before me the undersigned personally appeared Lisa M. Nass who, being first duly sworn, deposes and says:

1. My name is Lisa M. Nass. I am currently employed by Florida Power & Light Company (FPL) as Manager, Human Resources and Equal Opportunity. I have personal Knowledge of the matters stated in this affidavit.

2. The matters identified as exempt from disclosure pursuant to 366.093(f) consist of the employee numbers of certain FPL employees consisting of the last four digits of the social security numbers of such employees. Such information is employee personnel information unrelated to compensation, duties, qualifications, or responsibilities. Moreover, public disclosure of such information would be detrimental to FPL and the subject employees since such disclosure is an unnecessary invasion of the subject employees' privacy and could subject the employees to fraud and abuse. Therefore, disclosure could harm employee morale and FPL's ability to attract and keep employees.

3. FPL has maintained the confidentiality of the subject information. Employee numbers and employee social security numbers are maintained by FPL's Human Resources Department and are provided to other persons in the company on a need to know basis only.


4. The obtained materials should remain confidential for a period of not less than 18 months and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can maintain the confidential nature of these documents.

5. Affiant says nothing further.



Lisa M. Nass

SWORN TO AND SUBSCRIBED before me this 31 day of January, 1997, by Lisa M. Nass who is personally known to me and who did take an oath.



Notary Public, State of Florida

My Commission Expires:



LET CONSULTANT & COLLEGE EXPRES
MAY 29, 2000
BONDED TRU TRU FARM INSURANCE, INC.

EXHIBIT E
AFFIDAVIT OF MARK LIVINGSTON

STATE OF FLORIDA

AFFIDAVIT OF MARK D. LIVINGSTON

COUNTY OF DADE

Before me the undersigned authority personally appeared Mark D. Livingston who, being first duly sworn deposes and says:

1. My name is Mark D. Livingston. I am currently employed by Florida Power & Light Company (FPL) as Systems Manager. I have personal knowledge of the matters stated in this affidavit.

2. The matters identified as exempt from disclosure pursuant to 366.093(e) consist of the names and addresses of customers on examples of customer bills. Only the identifying information on the subject documents has been redacted to prevent disclosure of data specific to individual customers.

3. FPL has maintained the confidentiality of the subject information. It is FPL's policy to maintain the confidentiality of customer specific data and to ensure against public disclosure of such data by FPL employees. Customer specific billing information is provided to FPL employees on a need to know basis only.

4. The obtained materials should remain confidential for a period of not less than 18 months and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can maintain the confidential nature of these documents.

5. Affiant says nothing further.



Mark D. Livingston

SWORN TO AND SUBSCRIBED before me this 31 day of January, 1997, by Mark D. Livingston personally known to me and who did take an oath.



Notary Public, State of Florida

My Commission Expires:

 **Mauro Hernandez**
MY COMMISSION # CC628088 EXPIRES
May 25, 2000
BUNDLES THROUGH FPL; FARM INSURANCE, INC

EXHIBIT F
DISK OF MATRIX