

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental Cost
Recovery Factors.

DOCKET NO. 010007-EI
ORDER NO. PSC-01-2538-CFO-EI
ISSUED: December 28, 2001

ORDER GRANTING CONFIDENTIALITY TO PORTIONS OF FLORIDA POWER &
LIGHT COMPANY'S CAPACITY COST RECOVERY CLAUSE AUDIT
(DOCUMENT NOS. 08012-01 AND 08327-01)

Florida Power & Light Company (FPL) requests confidential classification of portions of staff's working papers obtained during preparation of FPL's Capacity Cost Recovery Clause Audit for the year ended December 31, 2000. FPL makes this request pursuant to Section 366.093(3), Florida Statutes, and Rule 25-22.006, Florida Administrative Code. FPL asserts that this information is intended to be and is treated by FPL as confidential information and has not been disclosed to the public. The information for which FPL requests confidential treatment is filed with the Commission as Document Nos. 08012-01 and 08327-01.

FPL requests that the information contained in the following table be granted confidential classification pursuant to Section 366.093(3)(b), Florida Statutes, as proprietary business information concerning internal auditing controls and reports of internal auditors:

TABLE 1: INFORMATION CONCERNING INTERNAL AUDITING CONTROLS AND REPORTS OF INTERNAL AUDITORS

| WORKPAPER NO. | PAGE(S) | LINE(S) |
|---------------|---------|---------|
| 9 | 1-2 | 1-51 |
| 9 | 3 | 1-22 |
| 9-1 | 1 | 1-20 |
| 9-1 | 2 | 1-21 |
| 9-1 | 3 | 1-19 |
| 9-1 | 4 | 1-22 |
| 9-1 | 5 | 1-20 |

DOCUMENT NUMBER DATE

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| WORKPAPER NO. | PAGE(S) | LINE(S) |
|---------------|---------|---------|
| 9-1 | 6 | 1-19 |

Section 366.093(3), Florida Statutes, requires that the utility show that "disclosure of the information would cause harm to the ratepayers or the person's or company's business operations. . . ." In the instant case, inquiry has shown that disclosure of this information reveals how internal account controls are used. Thus, this information falls within the protection of Section 366.093(3), Florida Statutes. The ultimate harm to be derived from the revelation of these classes of information would be higher costs resulting in higher rates. The affidavit of FPL Audit Manager Rick Del Cuesto identifies this material.

FPL requests that the information contained in the following table be granted confidential classification pursuant to Section 366.093(3)(d) and (e), Florida Statutes, as proprietary business information containing sensitive competitive and contractual information.

TABLE 1: INFORMATION CONCERNING SENSITIVE COMPETITIVE AND CONTRACTUAL INFORMATION

| WORKPAPER NO./PAGE(S) | COLUMN NO. | LINE NO. |
|-----------------------|------------|-------------------|
| 16-12/3, PAGE 1 | C | 2 |
| | F | 11, 15, 19, 23-24 |
| | G | 15 |
| | K | 11, 19, 23-24 |
| | M | 11-24 |
| 16-12/3, PAGE 2 | C | 2 |
| | F & K | 5-35 |
| | M | 3-35 |

ORDER NO. PSC-01-2538-CFO-EI
 DOCKET NO. 010007-EI
 PAGE 3

| WORKPAPER NO./PAGE(S) | COLUMN NO. | LINE NO. |
|-----------------------|------------|--|
| 16-12/3, PAGE 3 | C | 2 |
| | F & K | 3-5, 9, 12-13, 16-17, 22, 25 |
| | M | 3-28 |
| | F-L | 18-21, 26-29 |
| 16-12/3, PAGE 4 | C | 2 |
| | F & K | 3-21 |
| | M | 3-24 |
| 16-12/3, PAGE 5 | C | 2 |
| | F & K | 3, 6-7, 10-11, 15, 18-20, 24- 25 |
| | M | 3-26 |
| | F-L | 12-14, 21-23, 26 |
| 16-12/3, PAGE 6 | C | 2 |
| | F | 4-24 |
| | G | 18-24 |
| | K | 4-14 |
| | M | 3-26 |
| | N | 11-12 |

ORDER NO. PSC-01-2538-CFO-EI
 DOCKET NO. 010007-EI
 PAGE 4

| WORKPAPER NO./PAGE(S) | COLUMN NO. | LINE NO. |
|-------------------------|------------|-------------|
| 16-12/3, PAGE 7 | C | 2 |
| | F & G | 4-22 |
| | M | 3-25 |
| 16-12/3, PAGE 8 | C | 2 |
| | F & G | 3, 7 |
| | M | 3-11 |
| 41-1/1-3/1-1, PAGES 1-2 | A | 1-2 |
| | B | 6-10 |
| | C | 1-3, 5-39 |
| | D | 4 |
| | E | 6-10, 20-21 |
| | F | 5-39 |
| | G | 11-12 |
| 41-1/1-3/1-1, PAGES 3-7 | A | 1-2 |
| | B | 6-10 |
| | C | 1-3, 5-36 |
| | D | 4 |
| | E | 6-10, 18-19 |
| | F | 5-36 |

ORDER NO. PSC-01-2538-CFO-EI
 DOCKET NO. 010007-EI
 PAGE 5

| WORKPAPER NO./PAGE(S) | COLUMN NO. | LINE NO. |
|--------------------------|------------|--------------|
| 41-1/1-3/1-1, PAGES 8-10 | A | 1-2 |
| | B | 6-10 |
| | C | 1-3, 5-38 |
| | D | 4 |
| | E | 6-10, 20-21 |
| | F | 5-38 |
| | G | 11-12 |
| 41-1/1-3/1-2, PAGE 1 | A | 1-4 |
| | B | 5-6 |
| | C | 10-14 |
| | D | 5-7, 9-41 |
| | E | 8 |
| | F | 10-14, 23-24 |
| | G | 9-41 |
| 44-1, PAGE 1 | E, H, I | 1-49 |
| | L | 22, 23, 46 |
| 44-1, PAGE 2 | E, H, I | 1-49 |
| 44-1, PAGE 3 | E, H, I | 1-49 |
| | L | 34 |
| 44-1, PAGES 4-5 | E, H, I | 1-49 |

| WORKPAPER NO./PAGE(S) | COLUMN NO. | LINE NO. |
|-----------------------|------------|----------|
| 44-1, PAGE 6 | E | 1-6 |
| | H | 1-5 |
| | I | 1-4 |
| | L | 3-5 |

FPL asserts that this information is either customer-specific information or vendor-specific information. FPL states that disclosure of the customer-specific information would reveal certain operating characteristics, including costs, of FPL's commercial customers which would provide an unfair competitive advantage to competitors of FPL's customers possibly causing harm to the customer or the customer's business. Based on the affidavit of Damaris Rodriguez, FPL has not released customer-specific information to the general public. FPL states that disclosure of the vendor-specific information contained in these documents would impair FPL's business interests as well as the business interests of its vendors. In particular, FPL states that disclosure would impair FPL's ability to contract for goods and services on favorable terms. Affidavits of Jamey Harris, FPL Business Plant leader, Putnam Plant, and Kathleen O'Reilly, FPL Manager, Power Systems Environmental, support this assertion.

FPL further requests that this material be granted confidential status for at least 18 months. In addition, FPL requests that this material be returned to the utility once this information is no longer needed by the Commission to conduct its business.

Upon review it appears the information contained in Document Nos. 08012-01 and 08327-01 is proprietary business information within the exception to Chapter 119 found in Section 366.093(3)(b), (d), and (e), Florida Statutes. This material appears to be related to internal auditing controls and/or reports of internal auditors, customer-specific, or vendor-specific information within the meaning of the statute. The information is entitled to confidential classification pursuant to Section 366.093(4), Florida Statutes, for a period of 18 months from the issuance of this

ORDER NO. PSC-01-2538-CFO-EI
DOCKET NO. 010007-EI
PAGE 7

Order. If FPL wishes further protection past the initial confidentiality period, it must file for an extension and show good cause for granting an extension before the first confidentiality period expires.

FPL has requested that the confidential information be returned to FPL when the information is no longer necessary for the Commission to conduct its business. However, audit workpapers are retained by the Commission and not returned to the parties.

In consideration of the foregoing, it is therefore

ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that the information described in Florida Power and Light Company's request for confidential classification of certain material obtained during the Capacity Cost Recovery Audit for the year ended December 31, 2000, Document Nos. 08012-01 and 08327-01, is granted confidential classification. It is further

ORDERED that pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 366.093. 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.

ORDER NO. PSC-01-2538-CFO-EI
DOCKET NO. 010007-EI
PAGE 8

By ORDER of Commissioner Lila A. Jaber, as Prehearing Officer,
this 28th day of December, 2001.



LILA A. JABER
Commissioner and Prehearing Officer

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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.

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 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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

ORDER NO. PSC-01-2538-CFO-EI
DOCKET NO. 010007-EI
PAGE 9

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.