

May 15, 2002

Charles A. Guyton
850.222.3423

By Hand Delivery

Blanca S. Bayó, Director
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

**Re: Petition for Approval of True-Up
Amount in Docket No. 020002-EG**

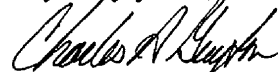
Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company in Docket No. 020002-EG are the original and seven (7) copies of Florida Power & Light Company's Request for Confidential Classification Regarding Confidential Information Required To Be Filed As Part Of True Up Filing. Please note that the original copy of the request has an Attachment, Attachment A, that contains CONFIDENTIAL INFORMATION. Therefore, FPL is filing the original request in a separate envelope stamped CONFIDENTIAL. The remaining copies of the request do not contain Attachment A or any other confidential information.

In its request FPL seeks confidential classification of the confidential information contained in Appendix A to Exhibit DR-1 in Docket No. 020002-EG, which is being filed with the Commission today. FPL has to file this information with the Commission to comply with Rule 25-17.015, Florida Administrative Code. However, to avoid damaging public disclosure, FPL has filed its Request for Confidential Classification and provided in Exhibit DR-1 redacted copies of Appendix A.

If you or your staff have any questions regarding this transmittal, please contact me at 222-2300.

Very truly yours,



Charles A. Guyton

Enclosure

cc: All Parties of Record (w/o Attachment A)

TAL_1998/42457-1

DOCUMENT NUMBER-DATE

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Miami West Palm Beach Tallahassee Naples Key West London Caracas São Paulo Rio de Janeiro Santo Domingo

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In Re: Energy Conservation Cost)
Recovery Clause)**

**Docket No. 020002-EG
Filed: May 15, 2002**

**Florida Power & Light Company's
Request for Confidential Classification Regarding Confidential
Information Required To Be Filed As Part Of True Up Filing**

Pursuant to Florida Administrative Code Rule 25-22.006 and Section 366.093, Florida Statutes, Florida Power & Light Company ("FPL") requests confidential classification of portions of Appendix A to Exhibit DR-1 filed this day with the Commission in Docket No. 020002-EG. FPL further requests that if Appendix A is admitted into the record in this proceeding, that FPL has shown good cause for the confidential information in Appendix A to continue to be classified as confidential for a period of thirty-six months. As grounds for this request, FPL states:

1. Rule 25-17.015(5), Florida Administrative Code, requires that when a conservation advertisement for which a utility seeks conservation cost recovery "makes a specific claim of potential energy savings or states appliance efficiency ratings or savings, all data sources and calculations used to substantiate these claims must be included in the [true-up] filing...."

2. FPL is filing contemporaneously with this request its true-up filing, and FPL is seeking cost recovery of advertising expenses for advertisements which make specific claims of energy savings. Consequently, in Appendix A to Exhibit DR-1, the exhibit attached to the

Testimony of FPL witness Dennis Reynolds, FPL has included all the data sources necessary to satisfy this rule requirement.

3. Part of the information which FPL has been required to file in Appendix A to Exhibit DR-1 to comply with Rule 25-17.015(5) is confidential. The purposes of this request for confidential classification are to seek (a) a Commission determination that certain information identified by FPL in Appendix A to Exhibit DR-1 should be classified as confidential information and (b) the continued confidential classification of the information for thirty-six months if it is included in the record.

Justification of Confidential Classification

4. All the information in Appendix A to Exhibit DR-1 for which FPL seeks confidential classification is customer specific information. FPL has a corporate policy not to disclose or release customer specific information without the consent of the customer. The FPL customer referred to in this information has not consented to the release of its customer specific information. In addition, much of the information for which FPL seeks confidential classification is information which is confidential and proprietary to customer, the release of which would harm the customers' business operation. This information may, in some instances, constitute trade secrets to the customers, and is certainly information relating to the customers' competitive interests, the disclosure of which would impair the competitive business of the customers. Information of this nature is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes (2000). The Commission has previously determined that the type of information for which FPL seeks protection is proprietary confidential business information. See, Order No. PSC-00-0628-CFO-EG.

5. To satisfy the requirements of Rule 25-17.006, FPL has prepared four Attachments to this request. Attachment A is a copy of Appendix A to Exhibit DR-1 which has all the confidential information highlighted. Only the original copy of this request contains a highlighted copy of Attachment A; the remaining copies served upon the Commission and the parties do not contain a copy of Attachment A. Attachment B is a copy of Appendix A to Exhibit DR-1 with the confidential information redacted. Attachment C is a line by line justification of the confidential status of the confidential information in Appendix A to Exhibit DR-1. Attachment D is the affidavit of Mr. Dennis Reynolds explaining why the information FPL seeks to prevent from disclosure is confidential. All copies of this request have Attachments B - D.

6. FPL is required to include in its true-up filing very detailed information which supports claimed energy savings in its conservation advertisements. At the time the rule amendment requiring this filing was adopted, it was recognized by every party to the rule making that the information was of interest only to the Staff of the Commission. FPL has filed this confidential information so that the Staff of the Commission will have immediate access to the confidential information, but it has served upon the parties to this proceeding redacted copies of the confidential information. Many of the parties to this proceeding clearly have no interest in the customer specific, confidential information required to be filed pursuant to Rule 25-17.015(5). For instance, other electric utilities not serving such customers have no conceivable interest in this customer specific information. Parties to the proceeding other than the Commission Staff desiring to review the confidential information filed with the Commission may follow the procedure set forth in Rule 25-17.006, Florida Administrative Code, by filing a

petition to review and inspect the documents. This procedure minimizes the initial disclosure of confidential information, avoids parties not interested in receiving confidential information from having to undertake measures to prevent such disclosure, and provides a means by which those parties seeking to review the confidential information to seek review under terms necessary to prevent the disclosure of such information.

7. The information for which FPL seeks confidential classification shall continue to be confidential after 18 months. It will still be treated by FPL as confidential as a matter of policy, and the information regarding customers' electrical usage and electrical equipment will continue to be competitive information the disclosure of which may injure the customers' competitive interest even after 18 months. Therefore, FPL requests that the Commission rule, as permitted by Section 366.093, Florida Statutes, that the confidential information in Appendix A to Exhibit DR-1 continue to be classified as confidential for a period of thirty-six months from the original confidential classification. At present it is not FPL's intent to offer Appendix A to Exhibit DR-1 into evidence; FPL is filing the Appendix only to satisfy the requirements of Rule 25-17.015(4), Florida Administrative Code. If Appendix A is not admitted into evidence in this proceeding, FPL asks that the Commission require the return of Appendix A to FPL. However, if these advertisements become subject to dispute and the confidential information in Appendix A is introduced into the record in this proceeding, FPL asks that the Commission determine that FPL has demonstrated good cause for the confidential information to continue to be classified as confidential for thirty-six months from the original classification.

WHEREFORE, FPL respectfully moves that the Commission (a) rule that the information identified by FPL as confidential in Appendix A to Exhibit DR-1 filed on May 15,

2001 be given confidential classification by the Commission and be exempt from disclosure, and (b) that the confidential information in Appendix A be returned to FPL after the close of this proceeding if not admitted into the record, and if Appendix A is admitted into the record in this proceeding, that FPL has shown good cause for the confidential information in Appendix A to continue to be classified as confidential for thirty-six months from the original classification.

Respectfully submitted,

Steel Hector & Davis LLP
Suite 601, 215 S. Monroe St.
Tallahassee, Florida 32301

Attorneys for Florida Power
& Light Company

By: Charles A. Guyton
Charles A. Guyton

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Petition for Approval of True-Up Amount along with the Testimony and Exhibits of Dennis Reynolds were served by Hand Delivery (when indicated with an *) or mailed this 15th day of May, 2002 to the following:

Marlene Stern, Esquire *
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Gunter Building, Room 370
Tallahassee, Florida 32399-0850

Peoples Gas System
Angela Llewellyn
Regulatory Affairs
P.O. Box 2562
Tampa, Florida 33061-2562

Lee L. Willis, Esquire
James D. Beasley, Esquire
Ausley Law Firm
227 South Calhoun Street
Tallahassee, Florida 32302

Norman Horton, Jr., Esquire
Messer, Caparello, et al.
215 South Monroe Street, Suite 701
Tallahassee, Florida 32301

Jeffrey A. Stone, Esquire
G. Edison Holland, Esquire
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Post Office Box 12950
Pensacola, Florida 32576-2950

Joseph A. McGlothlin, Esquire
Vicki Gordon Kaufman, Esquire
McWhirter, Reeves, et al.
117 South Gadsden Street
Tallahassee, Florida 32301

Debbie Stitt
Energy Conservation Analyst
St. Joe Natural Gas Company
Post Office Drawer 549
Port St. Joe, Florida 32456

John W. McWhirter, Jr., Esquire
McWhirter, Reeves, et al.
400 N. Tampa Street, Suite 2450
Tampa, Florida 33602

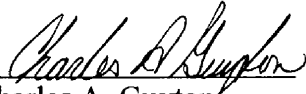
James A. McGee, Esquire
Florida Power Corporation
Post Office Box 14042
St. Petersburg, Florida 33733

Indiantown Gas Company
Colette Powers
Post Office Box 8
Indiantown, Florida 34956-0008

Peter Martin
South Florida Natural Gas Company
101 NW 202 Terrace
Post Office Box 69000-J
Miami, Florida 33269-0078

Sebring Gas System, Inc.
3515 highway 27 South
Sebring, Florida 33870-5452

Stuart L. Shoaf
St. Joe Natural Gas Company, Inc.
Post Office Box 549
Port St. Joe, Florida 32457-0549


Charles A. Guyton

ATTACHMENT A

ATTACHMENT B

- 1 A Business Energy Evaluation (BEE) was conducted at [REDACTED] on November 9, 1999.
 2 The [REDACTED] experienced a kWh reduction in all but two months of the twelve months following the
 3 BEE. The [REDACTED] also reduced or maintained their kW demand in eleven of the twelve months
 4 following the BEE.
- 5 The customer's unprompted testimonial of 20% savings as the result of the BEE was taped in
 6 December 2000, following a month in which she'd experienced a 34% reduction in kWh usage
 7 and a 20% reduction in kW demand over that months' figures during the prior year. Overall,
 8 the changes made in the salon's energy consumption provided consistent energy use reductions
 9 resulting in a 10% reduction in kWh usage and an 8% reduction in average kW demand in the
 10 twelve months following the BEE.

The following table compares the twelve month usage before and after BEE:

A Before Conducting BEE			D After Conducting BEE			G kWh		H % kWh		I kW		J % kW	
Date	kWh	kW	Date	kWh	kW	Difference	Difference	Difference	Difference				
Dec-98	[REDACTED]	[REDACTED]	Dec-99	[REDACTED]	[REDACTED]	(1,294)	-12%	5	11%				
Jan-99	[REDACTED]	[REDACTED]	Jan-00	[REDACTED]	[REDACTED]	(234)	-2%	(1)	-2%				
Feb-99	[REDACTED]	[REDACTED]	Feb-00	[REDACTED]	[REDACTED]	(157)	-2%	(5)	-10%				
Mar-99	[REDACTED]	[REDACTED]	Mar-00	[REDACTED]	[REDACTED]	629	7%	0	0%				
Apr-99	[REDACTED]	[REDACTED]	Apr-00	[REDACTED]	[REDACTED]	(30)	0%	0	0%				
May-99	[REDACTED]	[REDACTED]	May-00	[REDACTED]	[REDACTED]	(2,791)	-25%	(5)	-10%				
Jun-99	[REDACTED]	[REDACTED]	Jun-00	[REDACTED]	[REDACTED]	(1,109)	-10%	0	0%				
Jul-99	[REDACTED]	[REDACTED]	Jul-00	[REDACTED]	[REDACTED]	(1,402)	-12%	(5)	-10%				
Aug-99	[REDACTED]	[REDACTED]	Aug-00	[REDACTED]	[REDACTED]	(1,918)	-16%	(10)	-20%				
Sep-99	[REDACTED]	[REDACTED]	Sep-00	[REDACTED]	[REDACTED]	(1,872)	-16%	(10)	-20%				
Oct-99	[REDACTED]	[REDACTED]	Oct-00	[REDACTED]	[REDACTED]	1,002	9%	(5)	-10%				
Nov-99	[REDACTED]	[REDACTED]	Nov-00	[REDACTED]	[REDACTED]	(3,906)	-34%	(10)	-20%				
Total kWh	[REDACTED]	[REDACTED]		[REDACTED]	[REDACTED]	(13,082)	-10%						
Avg. Monthly kW	[REDACTED]	[REDACTED]		[REDACTED]	[REDACTED]			(4)	-8%				

ATTACHMENT C

Attachment C
Line by Line Confidentiality Justification of
Confidential Information in Appendix A to Exhibit DR-1
Docket 020002-EG

DESCRIPTION	PAGE NO.	CONF. Y/N	LINE NO./ COL. NO.	JUSTIFICATION
Customer Name	1-C	Y	Line 1, 2, 3 and Columns B, C, E, F	Each data entry is customer specific information, which FPL has a policy to treat as confidential and not disclose. This information is proprietary confidential information within Section 366.093(3)(e), Florida Statutes. All information identified as confidential is information related to the nature and extent of the retrofit projects the customer undertook and the resulting savings the customer experienced. Disclosure of this information would be the disclosure of sensitive competitive information, which would harm the customer's business and competitive interests.

ATTACHMENT D

ATTACHMENT D

AFFIDAVIT OF DENNIS REYNOLDS

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

BEFORE ME, the undersigned authority, this day personally appeared Dennis Reynolds, who, being first duly sworn, deposes and says:


My name is Dennis Reynolds. I am employed by Florida Power & Light Company in the position of Budget and Regulatory Support Supervisor. I am a resident of the State of Florida, am over eighteen (18) years of age and make this affidavit based upon my personal knowledge.

Florida Power & Light Company has a corporate policy not to disclose customer specific information. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, meter numbers, rates, billing determinants (kW and kWh usage), bills, conservation retrofit information, conservation savings in kW, kWh and bills, chiller efficiency reports, costs of equipment retrofits, incentives paid, operating hours, lighting codes for fixtures installed or removed by customers, the kW per fixture of installed or removed fixtures, operating hours of equipment, the payback of conservation installations, and the identity of contractors performing customer specific installations. FPL treats such information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer without the permission of the customer. FPL's policy is premised upon customers' right to privacy and the potential that the disclosure of customer specific information may harm some customers' competitive interests or disclose their trade secrets.

I have reviewed Florida Power & Light Company's Request For Confidential Classification Regarding Confidential Information Required To Be Filed As Part Of True Up Filing and Attachments A and B to the Request. The information identified therein as confidential falls within FPL's corporate policy of not disclosing customer specific information.

I have reviewed the detailed justification of confidentiality in Attachment C to Florida Power & Light Company's Request For Confidential Classification Regarding Confidential Information Required To Be Filed As Part Of True Up Filing , and the factual representations therein are accurate both as to the scope of FPL's policy not to disclose customer specific information and to the potential injury of customers due to the disclosure of competitive information or potential trade secrets.

The information for which FPL seeks confidential classification in its Request will continue to be confidential after the expiration of eighteen months. FPL will continue to treat all this customer specific information as confidential until released by the customer. The customers' competitive interests which would be damaged by the release of this information will still exist after eighteen months. Most of this equipment and the related information about usage and efficiencies will continue to be relevant for years to come, and its disclosure would injure the customers' competitive interests. The return of this information to FPL after the close of the hearing, if not admitted into evidence, would protect the interests of the customers. If the confidential information in Appendix A to Exhibit DR-1 is admitted into the record, then the potential injury from disclosure of competitive interests will last longer than eighteen months and warrants the Commission finding that its confidential classification should not be limited to eighteen months.


Dennis Reynolds

Before me the undersigned authority personally appeared, on this the 10th day of May, 2002, Dennis Reynolds, who is personally known to me.

Heidi D. Ellenberger
Notary Public, State of Florida

HEIDI D. ELLENBERGER
Printed Name of Notary

CC 982179
Commission Number

My Commission expires:

