

ORIGINAL

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



(305)-552-4657

June 24, 2003

RECEIVED PSC
JUN 24 PM 2:00
COMMISSION
CLERK

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard, Room 110
Tallahassee, FL 32399-0850

VIA HAND DELIVERY

011321-EI

**Re: Florida Power & Light Company's
First Request For Extension Of Confidential Classification Granted
by Order No. PSC-02-0058-CFO-EI of Certain Material Obtained
Pursuant To Audit Control No. 01-067-4-1**

Dear Ms. Bayó:

I enclose and hand you herewith for filing in the above-referenced matter, the original and two (2) copies of Florida Power & Light Company's ("FPL") First Request for Extension of Confidential Classification Granted by FPSC Order No. PSC-02-0058-CFO-EI.

Exhibit D contains the Affidavits Rick Del Cueto and Sol Stamm in support of FPL's First Request for Extension of Confidential Classification. Also included is a computer diskette containing the electronic version of FPL's First Request for Extension in Word format and the Revised Justification Table in Word format.

Pursuant to rule 25-22.006(9)(c) of the Florida Administrative Code, FPL requests confidential treatment of the information identified in Order No. PSC-02-0058-CFO-EI pending disposition of FPL's First Request for Extension of Confidential Classification.

- AUS _____
- CAF _____
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- ECR _____
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- OPC _____
- MMS _____
- SEC 1
- OTH _____

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FPSC-BUREAU OF RECORDS

(Dns 011852-01, 011853-01,
and 12244-01)

DOCUMENT NUMBER DATE

05627 JUN 24 8

FPSC-COMMISSION CLERK

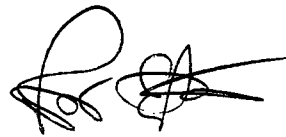
Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
June 24, 2003
Page 2

Finally, enclosed is an additional copy of FPL's First Request For Extension of Confidential Classification. Please file stamp this additional copy and return to FPL at your convenience.

Please do not hesitate to me at (305) 552-4657 should you or your Staff have any questions regarding this filing.

Thanking you for your attention to this matter, I remain,

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert E. Stone', with a stylized flourish extending to the right.

Robert E. Stone
Attorney

RES/sm

Enclosures

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In the matter of Florida Power & Light Company's First Request for Extension of Confidential Classification By Order No. PSC-02-0058-CFO-EI In Docket No. 011321-EI)
)
) DOCKET NO. _____
) FILED: _____
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**FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL
CLASSIFICATION GRANTED BY ORDER NO. PSC-02-0058-CFO-EI
OF CERTAIN MATERIAL OBTAINED PURSUANT TO
AUDIT CONTROL NO. 01-067-4-1**

NOW, BEFORE THE COMMISSION, through undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to rule 25-22.006 of the Florida Administrative Code and section 366.093 of the Florida Statutes, hereby submits its First Request for Extension of Confidential Classification Granted by Order No. PSC-02-0058-CFO-EI of the Florida Public Service Commission ("FPSC" or "Commission") issued in Docket No. 011321-EI in Audit Control No. 01-067-4-1 (the "Audit"). In support of its Request, FPL states as follows:

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:

William G. Walker, III
Florida Power & Light Company
Vice President
215 South Monroe Street
Suite 810
Tallahassee, Florida 32301-1859
(850) 521-3900

Robert E. Stone
Florida Power & Light Company
Attorney
P.O. Box 029100 LAW/GO
Miami, Florida 33102-9100
(305) 552-4657
(305) 552-4153 (Facsimile)

DOCUMENT MADE ELECTRONICALLY

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FPSC-CONSUMER CLERK

2. On September 27, 2001, FPL filed with the Commission its Request for Confidential Classification of certain materials obtained during the Audit. FPL's initial filing consists of the Request for Confidential Classification and Exhibits A through D. On December 4, 2001, FPL served a Notice of Filing which gave notice of filing a revised Exhibit C. FPL adopts and incorporates by reference its September 27, 2001 request, including Exhibits A, B, C and D. FPL also adopts and incorporates by reference the December 4, 2001 Notice of Filing, including the revised Exhibit C.

3. By Order No. PSC-02-0058-CFO-EI dated January 7, 2002, the Commission granted FPL's request.

4. The period of confidential treatment granted by the Commission will soon expire. With the exception of Workpapers 9-1/2 and 9-1/2-1 the information that was the subject of FPL's September 27, 2001 Request warrants continued treatment as proprietary and confidential business information with the meaning of section 366.093. Attached as Exhibit C hereto is a table containing a line-by-line and page-by-page identification of the information for which continued confidential treatment is sought, and, with regard to each document or portion thereof, reference to the specific statutory basis or bases for the claim of confidentiality and to the affidavits in support of the requested classification. Exhibit C is sometimes referred to hereinafter as the "Revised Justification Table."

5. Included herewith and made a part hereof is Exhibit D. Exhibit D consists of the Affidavits of Rick Del Cueto and Sol Stamm, which Affidavits shall supplement

Exhibit D previously filed September 27, 2001.

6. FPL submits that such information is proprietary confidential business information within the meaning of section 366.093(3). Pursuant to section 366.093, such materials are entitled to confidential treatment and are exempt from the disclosure provisions of the public records law. Thus, once the Commission determines that the information in question is proprietary confidential business information, the Commission is not required to engage in any further analysis or review such as weighing the harm of disclosure against the public interest in access to the information.

7. The statutory bases for FPL's assertion of confidentiality with regard to each document or portion thereof are set forth in the Justification Table under the column titled "FLORIDA STATUTE 366.093(3)." The letters (a) through (f) refer to subsections of section 366.093(3), as applicable. Support for FPL's Request for Confidential Classification of the referenced material is provided through the Affidavits of Rick Del Cueto and Sol Stamm. The Revised Justification Table identifies the basis for FPL's assertion of confidentiality with regard to each document or portion thereof.

8. With the exception of Workpapers 9-1/2 and 9-1/2-1, FPL submits that the information in Exhibit A continues to be proprietary confidential business information within the meaning of section 366.093(3). This information principally consists of FiberNet's customer and pricing information, cost data, and internal audits or audit reports. The information also includes detailed descriptions by location of FiberNet's telecommunications system and equipment that would tend to reveal FiberNet's system

capabilities and/or deficiencies by location. This information, if made public, would afford FiberNet's competitors an unfair advantage over FiberNet and would impair FiberNet's efforts to enter into contracts on commercially favorable terms. Disclosure of pricing information and cost data could also impair the competitive business of FiberNet.

9. Further, as Mr. Rick Del Cueto indicates, Exhibit A includes information that contains or constitutes internal audit controls or reports or information relating to same. Such information is entitled to protection under section 366.093(3)(b).

10. The material for which FPL seeks continued confidential classification is intended to be and is treated by FPL as private and has not been disclosed. Nothing has changed since the issuance of Order No. PSC-02-0058-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate.

11. Accordingly, FPL requests that the information identified in the Revised Justification Table and highlighted in Exhibit A to the September 27, 2001 Request for Confidential Classification and referenced in Order No. PSC-02-0058-CFO-EI be accorded confidential classification for an additional eighteen month period. FPL further requests that the information be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the above and foregoing reasons, as more fully set forth in

the supporting materials and affidavits included herewith or incorporated herein by reference, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification be granted.

Dated: June 23, 2003

Respectfully submitted,



Robert E. Stone
Attorney for
Florida Power & Light Company
P.O. Box 029100 LAW/GO
Miami, Florida 33102-9100
(305) 552-4657

EXHIBIT C

REVISED

JUSTIFICATION TABLE

JUNE 2003

EXHIBIT C

Docket No. 011321-EI

REVISED JUSTIFICATION TABLE – June 23, 2003

COMPANY:
TITLE:
AUDIT:
PERIOD ENDING:
AUDIT CONTROL NO:

Florida Power & Light Company
List of Confidential Workpapers
Fibernet Allocation Methodology
Estimated December 31, 2001
01-067-4-1

Workpaper No.	Description	No. of Pages	Confidential Yes / No	Line No. / Col. No.	Florida Statute 366.093(3) Subsection	Affiant
1	Audit Report	11	Y	p.1, line 22 p.1, Col. B, lines 13-20 & 24-26 p.2, Col. B, lines 14, 16, 26, 28 & 30 p.3, Col. B, lines 11, 13, 15, 27-29, 31, 33 & 35 p.5, lines 3, 8-10 p.5, Col B, lines 12-21 p.6, Col B, lines 8-10 & 14 p.7, line 6 p.8, lines 9-10 p.8, Col B, lines 14, 17 & 19 p.8, Col C, lines 14, 17 & 21 p.9, Col A, lines 15, 21 & 32 p.9, Col B, lines 8-9, 14-16, 18, 21, 22, 27-29, 32, 33 & 35 p.9, Col C, lines 8-9, 14-16, 18, 21, 22, 27-29, 32 & 36 p.10, Col B, lines 9-17, 19-21, 23-27, 29, 30, 32 & 34 p.10, Col C, lines 9-17, 19-21, 23-27, 29, 30, 32 & 34 p.11, Col A, line 11 p.11, Col B, lines 8-10, 14 & 16-18 p.11, Col C, lines 8 & 12-15	(e)	S. Stamm
5	Notes from Meeting with Company	3	Y	p.1, line 11 p.2, lines 3, 12, 18, 23 & 37 p.3, lines 1 & 3	(e)	S. Stamm
9	Notes from Internal Audit Report	5	Y	All	(b)	R. del Cueto
9-1	Info from Internal Audit Report	1	Y	Lines 10-14	(b)	R. del Cueto

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9-1 / 1	Info from Internal Audit Report	1	Y	Lines 4-8	(b)	R. del Cueto
9-1 / 2	Info from Internal Audit Report	1	N	All	(e)	B. Rufat
9-1 / 2-1	Info from Internal Audit Report	1	N	All	(e)	B. Rufat
43	Summary of Findings	8	Y	p.1, line 21-22 p.1, Col. B, lines 13-20 & 23-25 p.2, line 13, 21 & 32 p.2, Col. A, lines 15 & 29 p.2, Col. B, lines 14-16 & 25-30 p.3, line 17, 25, & 35 p.3, Col. A, lines 12, 14, & 32 p.3, Col. B, lines 11-15 & 27-33 p.5, lines 3, 8-10 p.5, Col B, lines 12-21 p.6, Col B, lines 8-11 & 14 p.7, lines 3-6 p.8, lines 9-10 p.8, Col B, lines 14, 17 & 19 p.8, Col C, lines 14, 17 & 21	(e)	S. Stamm
43-1	Calculation on Estimated 2001 Charges	4	Y	p.1, Col A, lines 9,16,24,27,41 & 42 p.1, Col B, lines 46-50 p.1, Col C, lines 4-5, 7-10, 12-17, 19-34, 36-44 & 48-49 p.2, Col A, lines 11, 17-18, 23-24, 34, 36 & 38 p.2, Col B, lines 10-11, 14-18, 20-24, 27-37 p.2, Col C, lines 10-11, 14-18, 20-24, 27-34 & 38 p.3, Col B, lines 11-19, 21-29 & 31-36 p.4, Col A, line 13 p.4, Col B, lines 10-13, 16 & 18-20 p.4, Col C, lines 10, & 13-17	(e)	S. Stamm
43-2	Support for Asset Accounts	1	Y	p.1, Col A, lines 13, 17 & 18 p.1, Col B, lines 3-11, 13-15, 17-20 & 22-26	(e)	S. Stamm

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01-067-4-1

43-2 / 1	Printout of All Property Records	19	Y	Pages 1-18, Cols A & B, lines 1-46 p. 19, Cols A & B, lines 1-15	(e)	S. Stamm
43-2 / 2	Printout of Pre 96 Electronics Assets	4	Y	p.1, Cols A& B, lines 1-46 Pages 2 & 3, Cols A & B, lines 1-47 p.3, Cols A & B, lines 1-6	(e)	S. Stamm
43 -3	Calculation of Fiber Miles	1	Y	p.1, Col A, lines 8, 10, 12, & 13 p.1, Col B, lines 1-8, 10, & 12-13	(e)	S. Stamm
43-3 / 1	Support for Fiber Miles	8	Y	p.1, Cols A, B, C & D, lines 1-40 p.2, Cols A, B, C & D, lines 1-49 p.3, Cols A, B, C & D, lines 1-45 p.4, Cols A, B, C & D, lines 1-50 p.5, Cols A, B, C & D, lines 1-46 p.6, Cols A, B, C & D, lines 1-48 p.7, Cols A, B, C & D, lines 1-49 p.8, Cols A, B, C & D, lines 1-27	(e)	S. Stamm
43-3 / 2	Support for Fiber Miles	4	Y	p.1, Cols A, B, C & D, lines 1-51 p.2, Cols A, B, C & D, lines 1-49 p.3, Cols A, B, C & D, lines 1-46 p.4, Cols A, B, C & D, lines 1-44	(e)	S. Stamm
43-3 / 3	Support for Fiber Miles	1	Y	p.1, Cols A, B, C & D, lines 1-53	(e)	S. Stamm
43-3 / 4	Support for Fiber Miles	1	Y	p.1, Cols A, B, C & D, lines 1-47	(e)	S. Stamm
43-4	Printout of Pre 96 Fiber Assets	8	Y	p.1, Col A, lines 1-15 Pages 2-7, Cols A & B, lines 1-46 p.8, Cols A & B, lines 1-29	(e)	S. Stamm
43-4 / 1	Printout of Post 95 Fiber Assets	4	Y	p.1, Cols A & B, lines 1-46 p.2, Cols A & B, lines 1-48 p.3, Cols A & B, lines 1-47 p.4, Cols A & B, lines 1-31	(e)	S. Stamm
43-5	Printout of Post 95 Electronic Assets	5	Y	p.1, Cols A & B, lines 1-46 p.2, Cols A & B, lines 1-47 p.3, Cols A & B, lines 1-47 p.4, Cols A & B, lines 1-47 p.4, Col C, 1 & 9 p.5, Col A, line 30	(e)	S. Stamm

EXHIBIT C

Docket No. 011321-EI

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01-067-4-1

				p.5, Col B, lines 1-28 p.5, Col C, lines 1-29 p.5, Col D, line 27		
43-6	Support for DS3 Calculations	19	Y	p.1, lines 6-9, & 18-21 p.2, Cols A-O, lines 2-3 p.3, Cols A-P, lines 3-4 p.4, Cols A-Q, lines 3-5 p.5, Cols A-J, lines 3-5 p.6, Cols A-P, lines 3-4 p.7, Cols A-P, lines 3-4 p.8, Cols A-P, lines 3-5 p.9, Cols A-Q, lines 3-4 p.10, Cols A-M, lines 3-5 p.11, Cols A-M, lines 3-5 p.12, Cols A-M, lines 3-5 p.13, Cols A-I, lines 3-5 p.14, Cols A-G, lines 3-5 p.15, Cols A-J, lines 3-5 p.16, Cols A-N, lines 3-4 p.17, Cols A-F, lines 3-5 p.18, Cols A-G, lines 2-3 p.19, Cols A-H, lines 3-5	(e)	S. Stamm
43-6 / 1	Support for DS3 Calculations	3	Y	All	(e)	S. Stamm
43-10	Billing to FPL for 2001	1	Y	p.1, lines 2-4 & 6-8	(e)	S. Stamm
43-10 / 1	First Quarter Billing to FPL	6	Y	p.1, Col B, lines 10-12 p.1, lines 12, 14 & 22 p.2, lines 1-22 p.3, lines 1-3 p.4, Col A, lines 5-16 p.5, Col A, line 12 p.5, Col B, lines 5-11, 16, & 25-26 p.5, Col C, lines 3, 5, 8-9, 11, 17-24, & 26 p.5., Col D, lines 3, 5-11, 16, 19, 22, & 24-25 p.6, lines 7, 11 & 12	(e)	S. Stamm
43-10 / 2	Second Quarter Billing to FPL	5	Y	p.1, lines 1-4 p.2, lines 1-23 p.3, Col A, lines 6-16, & 20-21 p.4, Col A, lines 5-11, 15, & 24-25	(e)	S. Stamm

EXHIBIT C

Docket No. 011321-EI

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01-067-4-1

43-11	Info re Return on Investment	7	Y	<p>p.4, Col B, lines 3, 5, 8-9, 11, 16-23, & 25 p.4, Col C, lines 3, 5-11,15, 18, 21, & 23-24 p.4, Col D, lines 15, 18, 21, 23 & 24 p.4, Col E, line 18 p.5, lines 11 & 12</p> <p>p.1, line 25</p>	(e)	S. Stamm

EXHIBIT C

Docket No. 011321-EI

REVISED JUSTIFICATION TABLE – June 23, 2003

COMPANY:

Florida Power & Light Company

TITLE:

List of Confidential Workpapers

AUDIT:

Fibernet Allocation Methodology

PERIOD ENDING:

Estimated December 31, 2001

AUDIT CONTROL NO:

01-067-4-1

EXHIBIT D

AFFIDAVITS

JUNE 2003

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EXHIBIT D

**BEFORE THE FLORIDA
PUBLIC SERVICE COMMISSION**

In the matter of Florida Power & Light Company's First Request for Extension of Confidential Classification By Order No. PSC-02-0058-CFO-EI In Docket No. 011321-EI)))))

Docket No.: _____
Filed _____

STATE OF FLORIDA)
MIAMI-DADE COUNTY)

AFFIDAVIT OF RICK DEL CUETO

BEFORE ME, the undersigned authority, personally appeared Rick Del Cueto, who, being first duly sworn, deposes and says:

1. My name is Rick Del Cueto. I am currently employed by Florida Power & Light Company (FPL) as Manager, Internal Auditing. I have personal knowledge of the matters stated in this affidavit.

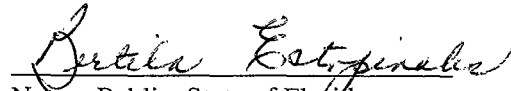
2. I have reviewed Exhibits A and B of FPL's Request for Confidential Classification of materials pursuant to Audit No. 01-067-4-1 filed on September 27, 2001 ("FPL's Request for Confidential Classification"). I have also reviewed Exhibit C (the Revised Justification Table) to FPL's First Request for Extension. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant and which are included in Exhibit A to FPL's Request for Confidential Classification. Documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute internal auditing controls and reports of internal auditors or information relating to same. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials. The documents or materials continue to be proprietary confidential business information and should be accorded confidential classification by the Commission for an additional eighteen months.

3. Affiant says nothing further.



Rick Del Cueto

SWORN TO AND SUBSCRIBED before me this 20 day of June, 2003, by Rick Del Cueto, who is personally known to me or who has produced _____ (type of identification) as identification.



Notary Public, State of Florida

BERTILA ESTOPINALES

Print Name of Notary

My Commission Expires:



EXHIBIT D

**BEFORE THE FLORIDA
PUBLIC SERVICE COMMISSION**

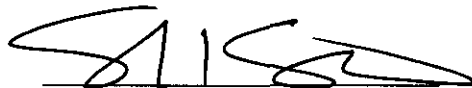
In the matter of Florida Power & Light Company's First Request for Extension of Confidential Classification)	Docket No.:	_____
By Order No. PSC-02-0058-CFO-EI)	Filed	_____
In Docket No. 011321-EI)		
STATE OF FLORIDA)		
MIAMI-DADE COUNTY)	AFFIDAVIT OF SOL STAMM	

BEFORE ME, the undersigned authority, personally appeared Sol Stamm, who, being first duly sworn, deposes and says:

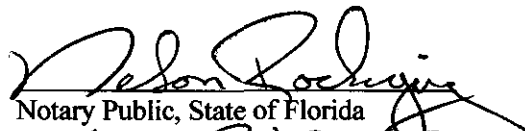
1. My name is Sol Stamm. I am currently employed by FPL FiberNet, LLC as Controller. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibits A and B of FPL's Request for Confidential Classification of Materials Provided in the Fuel Cost Recovery Clause Pursuant to Audit No. 01-067-4-1 filed on September 27, 2001 ("FPL's Request for Confidential Classification"). I have also reviewed Exhibit C (the Revised Justification Table) to FPL's First Request for Extension. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant and which are included in Exhibit A to FPL's Request for Confidential Classification. Documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information include FiberNet's pricing information, cost data and names of FiberNet's customers. In addition the information includes detailed descriptions by location of FiberNet's telecommunications system equipment that would tend to reveal FiberNet's system capabilities and/or deficiencies by location. This information, if made public, would afford FiberNet's competitors an unfair advantage over FiberNet and would impair FiberNet's efforts to enter into contracts on commercially favorable terms. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials. The documents or materials continue to be proprietary confidential business information and should be accorded confidential classification by the Commission for an additional eighteen months.

3. Affiant says nothing further.


Sol Stamm

SWORN TO AND SUBSCRIBED before me this 19th day of June, 2003, by Sol Stamm, who is personally known to me or who has produced _____ (type of identification) as identification.


Notary Public, State of Florida
NELSON RODRIGUEZ
Print Name of Notary

My Commission Expires:



Nelson Rodriguez
MY COMMISSION # DD074396 EXPIRES
November 26, 2005
BONDED THRU TROY FAIR INSURANCE, INC.