

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery clause.

DOCKET NO. 040002-EG
ORDER NO. PSC-04-0794-CFO-EG
ISSUED: August 13, 2004

ORDER GRANTING REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF DOCUMENT NOS. 08718-00 AND 09551-00

This Order addresses the continuation of confidential treatment for certain portions of staff's working papers prepared during the energy conservation cost recovery audit of Florida Power & Light Company (FPL) for the year ended December 31, 1999. Order PSC-00-1569-CFO-EI initially granted confidential classification for the documents on August 31, 2000, and Order PSC-02-0605-CFO-EI, issued May 2, 2002, extended confidential classification for an additional 18 months. FPL has now requested that confidential treatment be extended again for the information contained in Document Nos. 08718-00 and 09551-00, or that the documents be returned to FPL. Since audit materials of the type contained in these documents must be retained by the Commission for 25 years, the documents cannot be returned to FPL.

FPL asserts that the information for which it seeks continued confidential status, as delineated in this Order in the Table below, consists of customer specific account information for non-governmental customers. That information includes customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, and bills. FPL asserts that it does not reveal customer specific account information unless authorized by the customer or required to do so by law, in order to protect the customers' competitive interests and right to privacy. FPL further asserts that this information is entitled to confidential treatment pursuant to Section 366.093 (3) (d) and (e), Florida Statutes, as proprietary confidential business information owned or controlled by the company, the disclosure of which would impair the company's business operation or cause harm to its ratepayers. FPL claims that nothing has changed since the Commission issued its prior confidentiality orders. The information is still of current value, and it has not been made public. The information is thus still entitled to confidential treatment.

Section 366.093(4), Florida Statutes, limits the duration of confidential classification or the extension of confidential classification to 18 months, unless the Commission finds, for good cause, that the protection should be for a specified longer period. The facts here show good cause to extend confidentiality for a longer period. In Order No. PSC-03-1437-CFO-EG, issued December 19, 2003, in Docket No. 030002-EG, the Commission granted a 5 year extension for similar material contained in staff working papers for the FPL energy conservation cost recovery audit for 1998. The Commission said:

DOCUMENT NUMBER-DATE

08834 AUG 13 04

FPL-PSC-COMMISSION CLERK

FPL has shown the need for a longer period of confidential classification for the 1998 information concerning customer specific information associated with electric usage. FPL has demonstrated its intent to protect this information by repeatedly filing for an extension of this material, and has also provided a reasonable explanation as to why this information has remained sensitive for five years, and why it will remain so for a reasonable time in the future.

Order No. PSC-03-1437-CFO-EG, p. 3.

Upon review, I find it appropriate to grant FPL's request for an extension of confidential classification of the information found in Table 1 below for 5 years.

Staff Work Paper Number	Page	Line(s)	Extension for 5 Years	Type of Information Classified Confidential
41-1/1-1	1-2	Lines 1-4	Grant	Customer-Specific Information
41-1/1-1	3	Col A, Lines 1-4; Col B, Line 2	Grant	Customer-Specific Information
41-1/1-1	4-7	Lines 1-4	Grant	Customer-Specific Information
41-1/1-1	8-9	Col A, Lines 1-4; Col B, Line 2	Grant	Customer-Specific Information
41-1/1-1	10	Lines 1-4	Grant	Customer-Specific Information
41-1/1-1	11	Col A, Lines 1-4; Col B, Line 2	Grant	Customer-Specific Information
41-1/1-1	12	Col A, Lines 1-4; Col B, Lines 2-3	Grant	Customer-Specific Information
41-1/1-1	13-15	Lines 1-4	Grant	Customer-Specific Information
41-1/1-1	16	Col A, Lines 1-4; Col B, Lines 2-3	Grant	Customer-Specific Information

Staff Work Paper Number	Page	Line(s)	Extension for 5 Years	Type of Information Classified Confidential
41-1/1-1	17	Col A, Lies 1-4; Col B, Lines 2	Grant	Customer-Specific Information
41-1/1-1	18-20	Col A, Lines 1-4; Col B, Lines 2-3	Grant	Customer-Specific Information
41-1/1-2	1	Col A, Lines 1-4; Col B, Line 2	Grant	Customer-Specific Information
41-1/1-3	1	Line 1-8, Col A	Grant	Customer-Specific Information
41-1/1-3/1	1-8	Col A, Lines 1-2 Col B, Lines 1-3	Grant	Customer-Specific Information
41-1/1-4	1	Lines 1-9	Grant	Customer-Specific Information
41-1/1-4	2,3	Line 1, Col A-B	Grant	Customer-Specific Information
41-1/1-4	5,6	Line 1, Col A-B	Grant	Customer-Specific Information
41-1/1-4	8,9	Line 1, Col A-B	Grant	Customer-Specific Information
41-1/1-4	10,11	Col A, Lines 1-2 Col B, Lines 1-3	Grant	Customer-Specific Information
41-1/2-1	1	Col A, Lines 1-4 Col B, Line 2	Grant	Customer-Specific Information
41-1/2-1	2	Lines 1-4, Col A	Grant	Customer-Specific Information
41-1/2-1	3	Col A, Lines 1-4 Col B, Lines 2-3	Grant	Customer-Specific Information
41-1/2-1	4	Lines 1-4, Col A	Grant	Customer-Specific Information
41-1/2-1	5	Col A, Lines 1-4 Col B, Line 2	Grant	Customer-Specific Information

Staff Work Paper Number	Page	Line(s)	Extension for 5 Years	Type of Information Classified Confidential
41-1/2-1	6	Col A, Lines 1-4 Col B, Lines 2-3	Grant	Customer-Specific Information
41-1/2-1	7-8	Lines 1-4, Col A	Grant	Customer-Specific Information
41-1/2-1	9-10	Col A, Lines 1-4 Col B, Line 2	Grant	Customer-Specific Information
41-1/2-1	11	Lines 1-4, Col A	Grant	Customer-Specific Information
41-1/2-1	12	Col A, Lines 1-4 Col B, Line 2	Grant	Customer-Specific Information
41-1/2-1	13	Col A, Lines 1-4 Col B, Lines 2-3	Grant	Customer-Specific Information
41-1/2-1	14-15	Lines 1-4, Col A	Grant	Customer-Specific Information
41-1/2-1	16	Col A, Lines 1-4 Col B, Line 2	Grant	Customer-Specific Information
41-1/2-1	17	Col A, Lines 1-4 Col B, Lines 2-3	Grant	Customer-Specific Information
41-1/2-1	18	Lines 1-4, Col A	Grant	Customer-Specific Information
41-1/2-1	19	Col A, Lines 1-4 Col B, Line 2	Grant	Customer-Specific Information
41-1/2-1	20	Col A, Lines 1-4 Col B, Lines 2-3	Grant	Customer-Specific Information
41-1/2-2	1	Col A, Lines 1-4 Col B, Line 2	Grant	Customer-Specific Information
41-1/2-3	1	Lines 1-22, Col A	Grant	Customer-Specific Information
41-1/2-3/1	1-7	Col A, Lines 1-2 Col B, Lines 1-3	Grant	Customer-Specific Information

Staff Work Paper Number	Page	Line(s)	Extension for 5 Years	Type of Information Classified Confidential
41-1/2-3/2	1-7	Col A, Lines 1-2 Col B, Lines 1-3	Grant	Customer-Specific Information
41-1/2-3/4	3	Col A, Lines 1-2 Col B, Lines 1-3	Grant	Customer-Specific Information
41-1/2-3/5	1-7	Col A, Lines 1-2 Col B, Lines 1-3	Grant	Customer-Specific Information
41-1/2-4	1	Lines 1-3, Col A	Grant	Customer-Specific Information
41-1/2-4	2-4	Line 1, Col A-B	Grant	Customer-Specific Information
43-3	1	Col A, Lines 1-3	Grant	Customer-Specific Information
43-3	2	Col A-C, Lines 1-13	Grant	Customer-Specific Information
43-3	3	Cols A-C, Lines 1-30	Grant	Customer-Specific Information
43-3	4	Col A, Line 1	Grant	Customer-Specific Information
43-4	3	Col A, Line 1	Grant	Customer-Specific Information
43-13/1	2	Col B, Lines 1,3-7, 10-11,12,15-18,21, 24-32,40-41	Grant	Customer-Specific Information
43-13/1	3	Col B, Lines 2,5-9, 11,14-17,20-22, 24-27,29,31,33-34, 36,39,41-44	Grant	Customer-Specific Information
43-13/1	4	Col B, Lines 1-7, 9-13,14,16-25, 27-29,31-32,34, 36-40,41-43,44-45	Grant	Customer-Specific Information

Staff Work Paper Number	Page	Line(s)	Extension for 5 Years	Type of Information Classified Confidential
43-13/1	5	Col B, Lines 3,5, 8-11,13-16,18,20-23, 26,29-30,33,35-36, 39-41,43,45	Grant	Customer-Specific Information
43-13/1	6	Col B, Lines 3-4,6, 8,9-10,13-15,17, 19-20,23-26,28,32, 34,38-41	Grant	Customer-Specific Information
43-13/1	7	Col B, Lines 1-2,4-7, 8-11,13-14,17-18, 20-22,26-27,29-31, 33-34,36-38	Grant	Customer-Specific Information
43-13/1	8	Col B, Lines 1-4, 13-14,16-17,20, 22-23,25-30,33,35	Grant	Customer-Specific Information
43-13/1	9	Col B, Lines 2-5,7-8, 14-16,18,20,24-27, 29,31,33-36,39,41	Grant	Customer-Specific Information
43-13/1	10	Col B, Lines 1,3,4-7, 11,13-16,19,22, 25-27,29-30,38-39	Grant	Customer-Specific Information
43-13/1	11	Col B, Lines 5,7-8, 10-15,19-21,23-24, 26,30,35	Grant	Customer-Specific Information
43-13/1	12	Col B, Lines 1-5, 9-10,12,17,21-29, 31-36,39	Grant	Customer-Specific Information
43-13/1	13	Col B, Lines 3-5	Grant	Customer-Specific Information
44-13/1-1	1	Col A, Lines 1-2 Col B, Lines 1-3	Grant	Customer-Specific Information
44-13/1-1/1	1	Col A, Lines 1-2 Col B, Line 1	Grant	Customer-Specific Information

Staff Work Paper Number	Page	Line(s)	Extension for 5 Years	Type of Information Classified Confidential
44-13/1-1/1	2	Col A, Line 1 Col B, Lines 1-4	Grant	Customer-Specific Information
44-13/1-2	1	Col A, Lines 1-2 Col B, Lines 1-3	Grant	Customer-Specific Information
44-13/1-2/1	1	Col A, Lines 1-3 Col B, Line 2	Grant	Customer-Specific Information
44-13/2	2	Lines 1-10	Grant	Customer-Specific Information
44-13/2	3-4	Lines 1-12	Grant	Customer-Specific Information
44-13/2	5	Lines 1-18	Grant	Customer-Specific Information
44-13/2	6	Lines 1-6	Grant	Customer-Specific Information
44-13/2	7	Lines 1-16	Grant	Customer-Specific Information
44-13/2	8	Lines 1-16	Grant	Customer-Specific Information
44-13/2	9	Lines 1-20	Grant	Customer-Specific Information
44-13/2	10	Lines 1-12	Grant	Customer-Specific Information
44-13/2	11	Lines 1-10	Grant	Customer-Specific Information
44-13/2	12	Lines 1-12	Grant	Customer-Specific Information
44-13/2	13	Lines 1-18	Grant	Customer-Specific Information
44-13/2	14	Lines 1-6	Grant	Customer-Specific Information

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Staff Work Paper Number	Page	Line(s)	Extension for 5 Years	Type of Information Classified Confidential
44-13/2	15	Lines 1-10	Grant	Customer-Specific Information
44-13/2	16	Lines 1-6	Grant	Customer-Specific Information
44-13/2	17	Lines 1-16	Grant	Customer-Specific Information
44-13/2	18,19	Lines 1-18	Grant	Customer-Specific Information
44-13/2	20	Lines 1-16	Grant	Customer-Specific Information
44-13/2	21	Lines 1-12	Grant	Customer-Specific Information
44-13/2	22	Lines 1-20	Grant	Customer-Specific Information
44-13/2	23	Lines 1-30	Grant	Customer-Specific Information
44-13/2	24	Lines 1-24	Grant	Customer-Specific Information
44-13/2	25	Lines 1-28	Grant	Customer-Specific Information
44-13/2	26	Lines 1-16	Grant	Customer-Specific Information
44-13/2	27	Lines 1-20	Grant	Customer-Specific Information
44-13/2	28	Lines 1-14	Grant	Customer-Specific Information
44-13/2-1	1	Col A, Lines 1-6	Grant	Customer-Specific Information
44-13/2-1	2	Col A-B, Line 1	Grant	Customer-Specific Information

Staff Work Paper Number	Page	Line(s)	Extension for 5 Years	Type of Information Classified Confidential
44-13/2-1/1	1	Col A, Lines 1-2 Col B, Line 2	Grant	Customer-Specific Information
44-13/2-1/1	2	Col A, Lines 1-2 Col B, Lines 1-4	Grant	Customer-Specific Information
44-13/2-2	1	Col A, Lines 1-12	Grant	Customer-Specific Information
44-13/2-2	2	Col A-B, Line 1	Grant	Customer-Specific Information
44-13/3	2	Col B, Lines 2,4,7,9,11- 26,28-36,38	Grant	Customer-Specific Information
44-13/3	3	Lines 1-4,6,10,13-14, 16-27,34,36,38,40	Grant	Customer-Specific Information
44-13/3	4	Lines 1-2,6-8,10-11, 16-18,21,23-25, 27-30,33,36-38,40	Grant	Customer-Specific Information
44-13/3	5	Lines 2-3,5-8,10-11, 14-16,22-23,27-30, 36-37,39-40	Grant	Customer-Specific Information
44-13/3	6	Lines 1-4,7,9,15-18, 21,23,25-27,31-35, 37,39-40	Grant	Customer-Specific Information
44-13/3	7	Lines 3,5,6-12,15, 17-18,21-23,25-29, 31-39	Grant	Customer-Specific Information
44-13/3	8	Lines 2,5-7,9,13, 15-17,20,23-24, 26-39,41-43,45	Grant	Customer-Specific Information
44-13/3	9	Lines 2,4-9,12-14, 18,21-22,24,26-30, 32-33,35,37-39, 41-45	Grant	Customer-Specific Information

Staff Work Paper Number	Page	Line(s)	Extension for 5 Years	Type of Information Classified Confidential
44-13/3	10	Lines 3-4,6,12-15, 17,19,21,23,32-33, 35-36,39	Grant	Customer-Specific Information
44-13/3	11	Lines 1,3,5,7,8-11, 12,14,18,22,24-25, 27,29,31,34,36,38	Grant	Customer-Specific Information
44-13/3	12	Lines 2-4,7-8,14,16, 18-20,22,24-32, 34-36,39,41-45	Grant	Customer-Specific Information
44-13/3	13	Lines 2,4,8-9,12, 14,16-17,19-20, 22-23,27,29,31,34, 36	Grant	Customer-Specific Information
44-13/3	14	Lines 1,4,9,12-15, 18,20,22,23,26-27, 33,36-37,39	Grant	Customer-Specific Information
44-13/3	15	Lines 1-3,6-7,9-12, 14-27,32-38,40	Grant	Customer-Specific Information
44-13/3	16	Lines 1-3,5-7,9-11	Grant	Customer-Specific Information
44-13/3-1	1	Col A, Lines 1-2 Col B, Lines 1-3	Grant	Customer-Specific Information
44-13/3-1/1	1	Line 1-3, Col A Line 2, Col B	Grant	Customer-Specific Information
44-13/3-1/1	3	Col A, Lines 1-4	Grant	Customer-Specific Information
44-13/3-2	1	Col A, Lines 1-2 Col B, Lines 1-3	Grant	Customer-Specific Information
44-13/3-3	1	Col A, Lines 1-2 Col B, Lines 1-3	Grant	Customer-Specific Information
45	1	Col A, Line 1 Col B, Lines 1-3	Grant	Customer-Specific Information

Staff Work Paper Number	Page	Line(s)	Extension for 5 Years	Type of Information Classified Confidential
45	2	Col A, Lines 2-8	Grant	Customer-Specific Information
45	3	Col A, Lines 1-6	Grant	Customer-Specific Information
45	4-5	Col A, Line 1	Grant	Customer-Specific Information
45-1/7-1	1	Col A, Lines 2-3 Col B, Lines 1-2	Grant	Customer-Specific Information
45-1/7-1	2	Col B, Lines 1-4	Grant	Customer-Specific Information
48	1	Col. A-C, Lines 1-42	Grant	Customer-Specific Information
48-1	1	Col A, Lines 1,4, 6,8,10,12,14,16,18, 24 Col B, Lines 1,4, 6,8,10,12,14,16,18 Col C, Lines 1,8-12, 14,16,18 Col D, Lines 1-3,5, 7-13,15,17-26	Grant	Customer-Specific Information
48-1	2	Col A, Lines 1,3, 5,7,10,13,16,19,23 Col B, Line 1,3,5,7, 10,13,16,19,23, 24 Col C, Lines 1,3, 5,7,10,13,16,19,23 Col D, Lines 1-25	Grant	Customer-Specific Information

Staff Work Paper Number	Page	Line(s)	Extension for 5 Years	Type of Information Classified Confidential
48-1	3	Col A-B, Lines 1,5, 7-8,12,15,18,22, 25 Col C, Lines 1,5, 7-8,12,15,18-19,22, 25 Col D, Lines 1-28	Grant	Customer-Specific Information
48-1	4	Col A-B, Lines 1,3,6, 7,9,11,17,22 Col C, Lines 1,3-4, 6-9,11,17,22 Col D, Lines 1-26	Grant	Customer-Specific Information
48-1	5	Cols A-C, Lines 1,6, 10,14,20,23 Col D, Lines 1-26	Grant	Customer-Specific Information

Based on the foregoing, it is

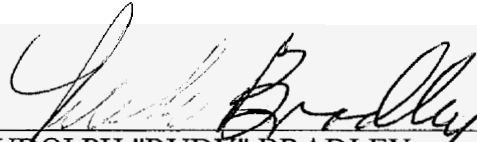
ORDERED by Commissioner Rudy Bradley, as Prehearing Officer, that the information described in the body of this Order and contained in Document Nos. 08718-00 and 09551-00 shall be granted an additional five years of confidential classification. It is further

ORDERED that pursuant to Rule 25-22.066, Florida Administrative Code, and Section 366.093(3), Florida Statutes, confidentiality granted to the documents specified herein shall expire five years from the date of the issuance of this Order in the absence of a renewed request for confidentiality. 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.

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By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this
13th day of August, 2004.



RUDOLPH "RUDY" BRADLEY
Commissioner and Prehearing Officer

(S E A L)

MCB

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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, Florida Administrative Code; or (2) 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 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.