

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Complaints by Ocean Properties, Ltd., J.C. Penney Corp., Target Stores, Inc., and Dillard's Department Stores, Inc., against Florida Power & Light Company concerning thermal demand meter error.

DOCKET NO. 030623-EI
ORDER NO. PSC-04-0911-PCO-EI
ISSUED: September 17, 2004

ORDER GRANTING STIPULATED MOTION TO RE-FILE DIRECT TESTIMONY AND GRANTING MOTION TO WITHDRAW NOTICE OF INTENT

On July 12, 2004, in accordance with the controlling dates established for this docket in Order No. PSC-04-0581-PCO-EI, Florida Power & Light Company ("FPL") filed the direct testimony and supporting exhibits of its witnesses Rosemary Morley and David Bromley. Portions of those documents contained customer-specific data. FPL filed those portions of the documents as confidential pursuant to a Notice of Intent to Request Confidential Classification.

On the same day, Ocean Properties, Ltd., J.C. Penney Corp., Target Stores, Inc., and Dillard's Department Stores, Inc. (collectively, "Customers"), filed their direct testimony and supporting exhibits. The customer-specific data in those documents was disclosed and not treated as confidential.

Counsel for FPL consulted with counsel for Customers regarding the disclosure of the customer-specific data in Customers' direct testimony. As a result, on July 21, 2004, FPL filed a Stipulated Motion to Re-file its Direct Testimony and Motion to Withdraw Notice of Intent. Through the stipulated motion, FPL seeks approval to re-file its direct testimony and supporting exhibits without redacting the customer-specific data related to the customers in this docket. FPL asserts that it can no longer maintain this data as confidential within the meaning of Section 366.093(3), Florida Statutes, because it has become public.

In addition, through its July 21 motion, FPL seeks to withdraw its Notice of Intent to Request Confidential Classification and have the highlighted and redacted versions of its direct testimony and supporting exhibits either returned to FPL or destroyed. FPL asserts that these documents will no longer be needed by the Commission to conduct its business.

Upon consideration, FPL's Stipulated Motion to Re-file its Direct Testimony is granted. Further, FPL's Motion to Withdraw Notice of Intent is granted. Upon FPL's re-filing of its direct testimony and supporting exhibits, the highlighted and redacted versions of its original direct testimony and supporting exhibits shall be returned to FPL.

DOCUMENT NUMBER-DATE

10075 SEP 17 04

FPSC-COMMISSION CLERK

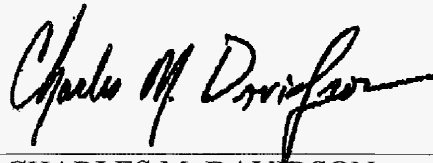
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Based on the foregoing, it is

ORDERED by Commissioner Charles M. Davidson, as Prehearing Officer, that Florida Power & Light Company's Stipulated Motion to Re-file its Direct Testimony is granted. It is further

ORDERED that Florida Power & Light Company's Motion to Withdraw Notice of Intent is granted.

By ORDER of Commissioner Charles M. Davidson, as Prehearing Officer, this 17th day of September, 2004



CHARLES M. DAVIDSON
Commissioner and Prehearing Officer

(S E A L)

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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.

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.

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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.