

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Environmental cost recovery clause.

DOCKET NO. 070007-EI  
ORDER NO. PSC-07-0320-CFO-EI  
ISSUED: April 13, 2007

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
(DOCUMENT NOS. 05836-06 AND 02078-07)

On July 10, 2006, Florida Power & Light Company ("FPL") filed a request for confidential classification of work papers obtained or prepared during the Commission staff's Environmental Cost Recovery Clause Audit for the Year Ended December 31, 2005 (Audit Control No. 06-044-4-1). The work papers were filed in Docket No. 060007-EI and identified as Document No. 05836-06. Thereafter, on March 7, 2007, FPL filed a revised request for confidential classification of the work papers in this docket. That request was identified as Document No. 02078-07.<sup>1</sup>

Section 366.093(1), Florida Statutes, provides that "any records received by the commission which are shown and found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from [the Public Records Act]." Section 366.093(3), Florida Statutes, defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Section 366.093(3), Florida Statutes, provides that proprietary confidential business information includes, but is not limited to: "[i]nternal auditing controls and reports of internal auditors" (subsection b); "[s]ecurity measures, systems, or procedures" (subsection c); "[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms" (subsection d); and "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information" (subsection e).

FPL contends that portions of the work papers listed below contain proprietary confidential business information, such as payment records, internal auditing controls and reports of internal auditors, pricing, and vendor and supplier rates, the disclosure of which would impair the efforts of FPL to contract for goods and services on favorable terms for the benefit of FPL and its ratepayers. FPL also asserts that this information relates to the competitive interests of FPL and its vendors, the disclosure of which would impair their competitive businesses. FPL

<sup>1</sup> FPL's July 10, 2006, request for confidential classification was identified as Document No. 06062-06. As a result of FPL's revised request, confidential Document No. 02078-07 supersedes and replaces Document No. 06062-06, which has been returned to FPL.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

states that this information is intended to be and is treated by FPL and its vendors as private and has not been publicly disclosed.

Work Paper Number	Description	Page(s)	Line(s)	Type of Information Classified Confidential
9	List of Internal Audits	1-4	Col. B	Internal Auditing Controls and Reports
9-1	Internal Audit	1-4	All	Internal Auditing Controls and Reports
16-15/12-3/1	Plant Addition Samples	1	17,19,22,24,27,29,31,33	Sensitive Contractual and Competitive Business Information
43-4	O&M Samples	1	5-7,8-10,13a-14	Sensitive Contractual and Competitive Business Information
43-4	O&M Samples	2	2a-4	Sensitive Contractual and Competitive Business Information
43-4	O&M Samples	3	6a-12	Sensitive Contractual and Competitive Business Information
43-4	O&M Samples	4	11-12	Sensitive Contractual and Competitive Business Information
43-4	O&M Samples	5	6-7	Sensitive Contractual and Competitive Business Information
43-4/1	O&M Samples	1	5-6,11-20	Sensitive Contractual and Competitive Business Information
43-4/5	O&M Samples	2-5	All	Security Information
43-6	O&M Samples	4	5-6	Sensitive Contractual and Competitive Business Information
51-3/1-2/2	Emission Allowance	1	16	Security Information
51-3/1-2/2	Emission Allowance	2	4,15,19	Security Information

Upon review, it appears that those portions of staff's work papers prepared during the Environmental Cost Recovery Clause Audit for the year ended December 31, 2005, as identified above, satisfy the criteria set forth in Section 366.093(3), Florida Statutes, for classification as proprietary confidential business information. The information constitutes: internal auditing controls and reports of internal auditors; security measures, systems, or procedures; information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms; or information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Thus, this information is granted confidential classification.

Pursuant to Section 366.093(4), Florida Statutes, the information for which confidential classification is granted herein shall remain protected from disclosure for a period of 18 months from the date of issuance of this order. At the conclusion of the 18 month period, the confidential information will no longer be exempt from Section 119.07(1), Florida Statutes, unless FPL or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

Based on the foregoing, it is

ORDERED by Commissioner Matthew M. Carter II, as Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification of Document Nos. 05836-06 and 02078-07 is granted. It is further

ORDERED that the information in Document Nos. 05836-06 and 02078-07 for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of issuance of this order. It is further

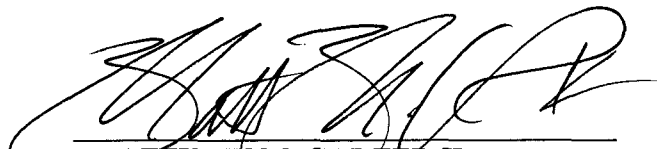
ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

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By ORDER of Commissioner Matthew M. Carter II, as Prehearing Officer, this 13th  
day of April, 2007.



MATTHEW M. CARTER II  
Commissioner and Prehearing Officer

( S E A L )

MCB/pz

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, Office of Commission Clerk, 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.