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**Public Service Commission**

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CLERK

**-M-E-M-O-R-A-N-D-U-M-**

**DATE:** March 14, 2008

**TO:** Rosanne Gervasi, Senior Attorney, Office of the General Counsel

**FROM:** William F. Coston, Operations Review Specialist, Division of Competitive Markets & Enforcement *WF*

**RE:** 080062-EI - Request for confidential classification of portions of *Customer Data Security of Florida's Five Investor-Owned Utilities* and certain information in staff's audit workpapers by Florida Power and Light Company.

Attached is a December 14, 2007 request from Florida Power and Light Company counsel, Jessica A. Cano, which includes the company's request for Specified Confidential Classification in regards to staff's review *Customer Data Security of Florida's Five Investor-Owned Utilities*. Florida Power and Light Company cites §366.0963(3)(c)—which addresses confidential security concerns—as the basis for the request.

Staff has reviewed the request and believes that the specified information is covered by §366.0963(3)(c), F.S. Staff recommends the approval of Florida Power and Light Company's Request for Confidential Classification.

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Florida Power & Light Company, 215 S. Monroe St., Suite 810, Tallahassee, FL 32301

Jessica Cano  
Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 304-5226  
(561) 691-7135 (Facsimile)

December 14, 2007

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080062-ET

**VIA HAND DELIVERY**

Ms. Ann Cole  
Division of the Commission Clerk and  
Administrative Services  
Florida Public Service Commission  
Betty Easley Conference Center  
2540 Shumard Oak Boulevard, Room 110  
Tallahassee, FL 32399-0850

Re: Florida Power & Light's Amended Request for Confidential Classification,  
Staff Report Entitled "Customer Data Security of Florida's Five Investor-  
Owned Utilities"

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Amended Request for Confidential Classification regarding confidential information included in Staff's report referenced above. The original includes Exhibits A, B, C and D. The seven copies do not include exhibits. This filing is intended to supersede and replace FPL's Request for Confidential Classification filed on December 7, 2007, and all exhibits provided therewith.

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- SEC \_\_\_\_\_
- OTH local records

Exhibit A consists of certain documents on which all information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit A is submitted for filing in a separate, sealed envelope marked "EXHIBIT A - CONFIDENTIAL." Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C consists of FPL's justification for its Amended Request for Confidential Classification. Exhibit D contains a copy of an affidavit in support of FPL's Amended Request for Confidential Classification. The original affidavit will be provided at a later date. Also included in this filing is a computer diskette containing FPL's Amended Request for Confidential Classification and Exhibit C in word processing format.

Please contact me if you or your Staff has any questions regarding this filing.

Sincerely,

*Jessica Cano*

Jessica Cano EXH

Enclosures

*Amended Request C.C.*  
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an FPL Group company  
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*Confidential A*  
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*Redacted B*  
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10949 DEC 14 08  
*Attendant EXH D*  
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10948 DEC 14 08  
*Justification*  
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**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Review of Customer Data Security )  
of Florida's Five Investor-Owned Electric Utilities )

080062-EI  
Docket No: ~~070000~~  
Filed: December 14, 2007

**FLORIDA POWER & LIGHT COMPANY'S  
AMENDED REQUEST FOR CONFIDENTIAL CLASSIFICATION**

NOW, BEFORE THIS 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 requests confidential classification of certain information included in the Florida Public Service Commission Staff ("Staff") report entitled "Review of Customer Data Security of Florida's Five Investor-Owned Electric Utilities."

In support of its request, FPL states as follows:

1. On November 16, 2007, FPL was provided with a copy of the sections of Staff's draft report which discuss FPL's security procedures and practices for protecting customer information. FPL filed a formal Request for Confidential Classification on December 7, 2007 requesting the confidential classification of certain portions of that report, pursuant to Rule 25-22.006(3). FPL hereby files this Amended Request for Confidential Classification, which is intended to supersede and replace the December 7, 2007 Request and all exhibits attached thereto.

2. The following exhibits are included herewith and made a part of this Amended Request:

a. Exhibit A consists of the document for which FPL seeks confidential treatment. All information in Exhibit A that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit A is submitted separately in a sealed folder

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marked "CONFIDENTIAL."

b. Exhibit B consists of the edited version of the document for which FPL seeks confidential treatment. All information for which FPL requests confidential treatment has been redacted in Exhibit B.

c. Exhibit C is a table containing a line-by-line and page-by-page identification of the information for which confidential treatment is sought and, with regard to each document or portions thereof, references to the specific statutory basis or bases for the claim of confidentiality and to the affidavit in support of the requested classification.

d. Exhibit D includes the affidavit of Joel Garmon.

3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. To the best of FPL's knowledge, the highlighted information has not been publicly disclosed. Pursuant to Section 366.093, such information is entitled to confidential treatment and is 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.

4. As the affidavit in Exhibit D indicates, the highlighted information consists of security measures, systems, or procedures, the disclosure of which may impair the customer information security efforts of FPL, to the detriment of FPL and its customers. This information, which describes specific physical or informational security measures, could be used by a person in an attempted attack on FPL's system. Additionally, such a person could try to exploit information related to any perceived weaknesses or "concerns" identified by Staff in the report.

The public disclosure of this information would be contrary to the objective of protecting sensitive customer information. This information is protected by Section 366.093(3)(c), Florida Statutes.

5. Upon a finding by the Commission that the material in Exhibit A for which FPL seeks confidential treatment is proprietary confidential business information within the meaning of Section 366.093(3), such information should not be declassified for a period of at least eighteen (18) months. FPL requests that the material provided in Exhibit A be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business, pursuant to Section 366.093(4). FPL also requests that the material provided in Exhibits A and B to its December 7, 2007 Request be returned at this time, so that FPL can continue to maintain the confidentiality of the sensitive information therein.

**WHEREFORE**, for the above and foregoing reasons, and as more fully set forth in the supporting materials and affidavits included herewith, Florida Power & Light Company requests that its Amended Request for Confidential Classification be granted.

Respectfully submitted,

R. Wade Litchfield  
Vice President and Associate General Counsel  
Jessica A. Cano  
Attorney  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
Telephone: (561) 304-5226  
Facsimile: (561) 691-7135

By: 

Jessica A. Cano  
Florida Bar No. 0037372

**EXHIBIT C**

080062-EI

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Sections  
**DOCKET NO.:** 070000  
**DOCKET TITLE:** Customer Data Security of Florida's Five Investor - Owned Utilities  
**DATE:** December 14, 2007

Description	Page No.	Conf Y/N	Line No.	Florida Statute 366.093(3) Subsection	Affiant
Customer Data Security Report	7	Y	Column A, Lines 1-19	(c)	Joel Garmon
Customer Data Security Report	8	Y	Lines 1-4	(c)	Joel Garmon
Customer Data Security Report	18-19	Y	Page 18 Lines 1-16 Page 19 Lines 1-2	(c)	Joel Garmon
Customer Data Security Report	19	Y	Page 19 Lines 3-7	(c)	Joel Garmon
Customer Data Security Report	20	Y	Lines 1-2	(c)	Joel Garmon
Customer Data Security Report	22	Y	Lines 1-6	(c)	Joel Garmon
Customer Data Security Report	23	Y	Page 23, Lines 1-3	(c)	Joel Garmon
Customer Data Security Report	28-29	Y	Page 28, Lines 1-28 Page 29, Lines 1-2	(c)	Joel Garmon
Customer Data Security Report	74	Y	Column A, Lines 1-15	(c)	Joel Garmon
Customer Data Security Report	75	Y	Columns A,B,C, Lines 1-5	(c)	Joel Garmon

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 GCL 1  
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