



John T. Butler  
 Senior Attorney  
 Florida Power & Light Company  
 700 Universe Boulevard  
 Juno Beach, FL 33408-0420  
 (561) 304-5639  
 (561) 691-7135 (Facsimile)  
 E-mail: john\_butler@fpl.com

August 12, 2008

**-VIA HAND DELIVERY -**

Ms. Ann Cole  
 Commission Clerk  
 Florida Public Service Commission  
 2540 Shumard Oak Blvd.  
 Tallahassee, FL 32399-0850

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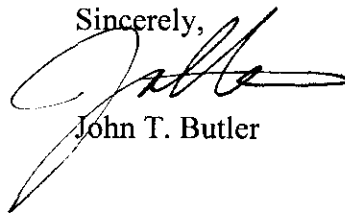
**Re: Docket No. 080002-EG  
 Energy Conservation Cost Recovery Clause**

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's Request for Confidential Classification of Information Provided Pursuant to Audit No. 08-037-4-2. Also included is a computer diskette containing the electronic version of FPL's Request for Confidential Classification and Exhibit C in Word. The enclosed diskette is HD density, the operating system is Windows XP, and the word processing software is Word. Pursuant to Rule 25-22.006, F.A.C., I am also enclosing one highlighted and two redacted copies of the confidential documents that are the subject of this request.

If there are any questions regarding this transmittal, please contact me at 561-304-5639.

Sincerely,



John T. Butler

Enclosure

cc: Counsel for parties of record (w/encl.)

COM \_\_\_\_\_  
 ECR \_\_\_\_\_  
 GCL \_\_\_\_\_  
 OPC \_\_\_\_\_  
 RCP \_\_\_\_\_  
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 CLK \_\_\_\_\_

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FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Energy Conservation Cost )  
Recovery Clause )  
\_\_\_\_\_ )

Docket No. 080002-EG  
Filed: August 12, 2008

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION  
PROVIDED PURSUANT TO AUDIT NO. 08-037-4-2**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain information provided to the Commission Staff in connection with its audit of FPL's Energy Conservation Cost Recovery Clause (Audit Control No. 08-037-4-2; hereinafter the "ECCR Audit") in this docket. In support of its Request, FPL states as follows:

1. During the ECCR Audit, Staff requested access to various FPL reports and other documents, portions of which became working papers of the auditors. By letter dated July 22, 2008, Staff indicated its intent to retain certain working papers for which confidential treatment previously had been requested (the "Working Papers"). Pursuant to Rule 25-22.006(3)(a), FPL was given 21 days from the date of that letter, or until August 12, 2008, to file a formal request for confidential classification with respect to the Working Papers. This Request is intended to request confidential classification of the confidential portions of the Working Papers consistent with Rule 25-22.006(3)(a).

2. The following exhibits are included with and made a part of this request:

a. Composite Exhibit A consists of copies of the Working Papers, on which all information that FPL asserts is entitled to confidential treatment has been highlighted. Composite Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

b. Composite Exhibit B consists of an edited version of Exhibit A on which

DOCUMENT NUMBER-DATE  
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FPSC-COMMISSION CLERK

b. Composite Exhibit B consists of an edited version of Exhibit A on which all information FPL asserts is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing a line-by-line and page-by-page identification of the information for which confidential classification 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 affidavits in support of the requested classification.

d. Exhibit D is comprised of the affidavits of C. Dennis Brandt, Terry J. Keith and Robert Onsgard.

3. FPL seeks confidential protection for the information highlighted in Exhibit A. The highlighted information is proprietary confidential business information within the meaning of Section 366.093(3). The information is intended to be, and has been, treated by FPL as confidential.

4. Pursuant to Section 366.093, the information highlighted in Exhibit A 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.

5. The statutory bases for FPL's assertion of confidentiality with regard to each document or portion thereof are set forth in Exhibit C under the column titled "FLORIDA STATUTE 366.093(3)." The letters in that column refer to the subsection(s) of Section 366.093(3) that provide justification for FPL's request. Further support for FPL's request for

are included as Exhibit D to this Request.

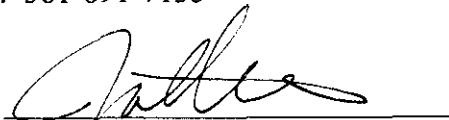
6. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, is proprietary confidential business information, the information should not be declassified for a period of at least eighteen (18) months and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business. *See* § 366.093(4).

**WHEREFORE**, for the foregoing reasons, Florida Power & Light Company respectfully requests that this Request be granted.

Respectfully submitted,

R. Wade Litchfield, Esq.  
Vice President and General Counsel  
John T. Butler, Esq.  
Senior Attorney  
Law Department  
Florida Power & Light Company  
700 Universe Blvd.  
Juno Beach, Florida 33408-0420  
Telephone: 561-5639  
Fax: 561-691-7135

By:



John T. Butler  
Fla. Bar No. 283479

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Request For Confidential Classification Of Information Provided Pursuant To Audit No. 08-037-4-2 was served by hand delivery \* or mail this 12th day of August, 2008 to the following:

Katherine Fleming\*  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Office of Public Counsel  
J.R. Kelly, Esq.  
Steve Burgess, Esq.  
c/o The Florida Legislature  
111 West Madison St., Room 812  
Tallahassee, FL 32399-1400

Beggs & Lane Law Firm  
Jeffrey Stone/Russell Badders/S.Griffin  
P.O. Box 12950  
Pensacola, FL 32591-2950

Florida Public Utilities Company  
Mehrdad Khojasteh  
P. O. Box 3395  
West Palm Beach, FL 33402-3395

Florida Industrial Power Users Group  
John W. McWhirter, Jr.  
c/o McWhirter Law Firm  
P.O. Box 3350  
Tampa, FL 33601-3350

Ausley Law Firm  
Lee Willis/James Beasley  
P.O. Box 391  
Tallahassee, FL 32302

Gulf Power Company  
Ms. Susan D. Ritenour  
One Energy Place  
Pensacola, FL 32520-0780

Tampa Electric Company  
Paula K. Brown  
Administrator, Regulatory Coordination  
P. O. Box 111  
Tampa, FL 33601-0111

Messer Law Firm  
Norman H. Horton, Jr.  
P.O. Box 15579  
Tallahassee, FL 32317

Progress Energy Florida, Inc.  
John T. Burnett  
P.O. Box 14042  
St. Petersburg, FL 33733-4042

By: \_\_\_\_\_

  
JOHN T. BUTLER

\* The exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.

# **Exhibit C**

## **Justification Table**

**EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Work Papers  
**AUDIT:** FPL, Energy Conservation Cost Recovery 2007 Audit  
**AUDIT CONTROL NO:** 08-037-4-2  
**DOCKET NO.** 080002- EG

Work paper No.	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
9	Internal Audit List	1	Y	Pg. 1, Col. B	(b)	R. Onsgard
9-1	Internal Audit Notes	5	Y	Pgs. 1-5, ALL	(b)	R. Onsgard
41-2/2	Revenue Testing	1	Y	Pg. 1, Col. I	(e)	T. Keith
41-2/3	Revenue Testing	5	Y	Pgs. 1-5, Col. I	(e)	T. Keith
41-2/4	Revenue Testing	1	Y	Pg. 1, Col. I	(e)	T. Keith
41-2/5	Revenue Testing	3	Y	Pgs 1-3, Col. I	(e)	T. Keith
43-1/1-1/1	Invoice	15	Y Y N Y N Y	Pg. 1, Lns. 2-5, 7 Pg. 2, Lns. 4, 7, 14-16, 25-29 Pg. 3 Pgs. 4-8, Ln. 3 Pg. 9 Pgs. 10-15, Ln. 3	(e)	C.D. Brandt
43-1/1-1/2	Invoice	25	Y Y N Y Y Y Y N Y Y Y Y N Y N Y	Pg. 1, Lns. 2-5, 7 Pg. 2, Lns. 3, 6, 14-16, 25-28, 35-39 Pg. 3, Pg. 4, Ln. 3 Pg. 5, Ln. 3 Pg. 6, Lns. 2-5, 7 Pg. 7, Lns. 2, 8, 11, 18-20, 25, 27-30 Pg. 8 Pg. 9, Ln. 3 Pg. 10, Ln. 3 Pg. 11, Lns. 2-5, 7 Pg. 12, Lns. 4, 8, 16-18, 23, 25-29 Pg. 13 Pg. 14-18, Ln. 3 Pg. 19 Pg. 20-25, Ln. 3	(e)	C.D. Brandt
43-1/1-7/1	Study	62	N Y N Y N Y	Pg. 1-2 Pgs. 3-7, ALL Pg. 8 Pgs. 9-33, ALL Pg. 34, Pgs. 35-62, ALL	(e)	C.D. Brandt

Work paper No.	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
43-1/1-7/2	Purchase Order	36	Y Y N Y Y Y Y Y Y Y N	Pg. 1, Lns. 5-7, 17-18 Pgs. 2-13, ALL Pgs. 14-15 Pgs. 16-17, ALL Pg. 18, Lns. 3-5 Pg. 19, Lns. 2, 8, 13, 32 Pg. 20, Ln. 2 Pg. 21, Ln. 2 Pg. 22, Ln. 2 Pgs. 23-34, ALL Pgs. 35-36	(e)	C.D. Brandt
43-1/1-8/1	Purchase Order	14	Y Y Y Y Y Y	Pg. 1, Lns. 7-9 Pg. 2, Lns. 8, 12, 13, 30 Pg. 3, Ln. 2 Pg. 4, Ln. 2 Pg. 5, Ln. 2 Pg. 6-12, ALL Pg. 13, Lns. 9, 18 Pg. 14, Ln. 3	(e)	C.D. Brandt
43-1/1-9/1	Purchase Order	45	Y Y Y Y Y N	Pg. 1, Lns. 3-5 Pg. 2, Lns. 2, 7, 9, 12, 14 Pg. 3, Ln. 2 Pg. 4, Ln. 2 Pg. 5, Ln. 2 Pgs. 6-43, ALL Pgs. 44-45	(e)	C.D. Brandt
43-1/2-1	Sample Items	2	Y Y	Pg. 1, Lns. 3, 8-9, 12-13, 18-19a, 24-25, 29-30, 35-36 Pg. 2, Lns. 8-9	(e)	C.D. Brandt
43-1/2-2	Sample Items	5	Y Y Y	Pg. 1, Lns. 3-5 Pg. 2 Ln. 2 Pg. 3-5, ALL	(e)	C.D. Brandt
43-1/5-1/1	JE explanation	1	Y	Pg. 1, Lns. 1-4	(e)	C.D. Brandt
44-7/1-2	Proforma & Adj	2	N	Pg. 1-2		
44-12/1-2	Proforma & Adj	2	N	Pg. 1-2		



# **Exhibit D**

## **AFFIDAVITS**

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

Energy Conservation Cost Recovery )  
Factor )

DOCKET NO. 080002-EG

STATE OF FLORIDA )  
MIAMI-DADE COUNTY )

**AFFIDAVIT OF C. DENNIS BRANDT**

**BEFORE ME**, the undersigned authority, personally appeared C. Dennis Brandt who, being first duly sworn, deposes and says:

1. My name is C. Dennis Brandt. I am currently employed by Florida Power & Light Company ("FPL") as Director, Product Management and Operations. My business address is 9250 West Flagler Street, Miami Florida, 33174. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C and the documents that are included in FPL's Request for Confidential Classification of Information Provided Pursuant to Audit No. 08-037-4-2 for which I am identified as the affiant. Such documents or materials that I have reviewed and which, in whole or in part, are asserted by FPL to be proprietary confidential business information, contain or constitute contractual vendor data, such as pricing and other terms, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms in the future, to the detriment of FPL and its customers. Also, certain documents contain or constitute competitively sensitive data, the disclosure of which could impair the competitive business of the provider of the information. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, these documents should remain confidential for a period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business, so that FPL can continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.

C. Dennis Brandt  
C. Dennis Brandt

**SWORN TO AND SUBSCRIBED** before me this 9<sup>th</sup> day of August, 2008, by C. Dennis Brandt, who is personally known to me or who has produced (personally known) (type of identification) as identification and who did take an oath.

Monica Lynn Padron  
Notary Public, State of Florida

My Commission Expires: 12/18/10

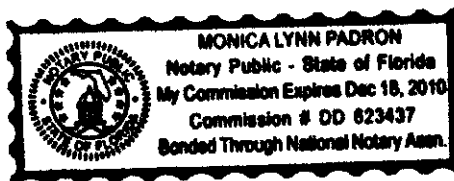


EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Energy Conservation Cost Recovery )  
Factor )

DOCKET NO. 080002-EG

STATE OF FLORIDA )  
MIAMI-DADE COUNTY )

AFFIDAVIT OF TERRY J. KEITH

BEFORE ME, the undersigned authority, personally appeared Terry J. Keith who, being first duly sworn, deposes and says:

1. My name is Terry J. Keith. I am currently employed by Florida Power & Light Company ("FPL") as Director of Cost Recovery Clauses in the Regulatory Affairs Department. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C and the documents that are included in FPL's Request for Confidential Classification of Information Provided Pursuant to Audit No. 08-037-4-2 for which I am identified as the affiant. Such documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute customer-specific account information. It is FPL's corporate policy not to disclose customer-specific information. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh and bills. FPL treats such information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer absent the customer's consent. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

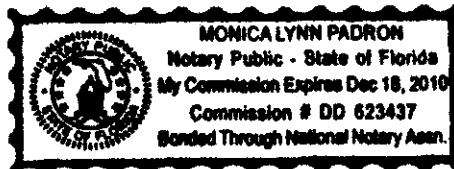
4. Affiant says nothing further.

*Terry J. Keith*  
Terry J. Keith

SWORN TO AND SUBSCRIBED before me this 8<sup>th</sup> day of August, 2008, by Terry J. Keith, who is personally known to me or who has produced personally known (type of identification) as identification and who did take an oath.

*Monica Lynn Padron*  
Notary Public, State of Florida

My Commission Expires: 12/18/10



**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

Energy Conservation Cost Recovery )  
Factor )

DOCKET NO. 080002-EG

STATE OF FLORIDA )  
 )  
COUNTY OF MIAMI-DADE )

**AFFIDAVIT OF ROBERT ONSGARD**

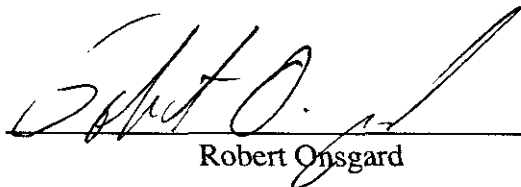
**BEFORE ME**, the undersigned authority, personally appeared Robert Onsgard who, being first duly sworn, deposes and says:

1. My name is Robert Onsgard. 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.

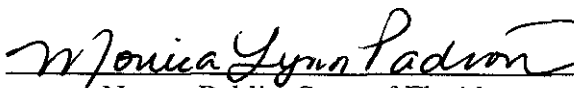
2. I have reviewed Exhibit C and the documents that are included in FPL's Request for Confidential Classification of Information Provided Pursuant to Audit No. 08-037-4-2 for which I am identified as the affiant. Such documents or materials that I have reviewed and which, in whole or in part, are asserted 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.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

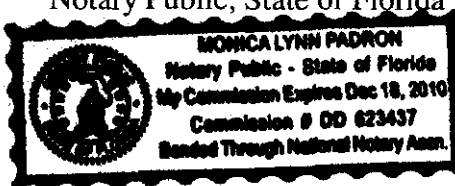
4. Affiant says nothing further.

  
Robert Onsgard

**SWORN TO AND SUBSCRIBED** before me this 7<sup>th</sup> day of August, 2008, by Robert Onsgard, who is personally known to me or who has produced FL ID (type of identification) as identification and who did take an oath.

  
Notary Public, State of Florida

My Commission Expires: 12/18/10



COMMISSIONERS:  
MATTHEW M. CARTER II, CHAIRMAN  
LISA POLAK EDGAR  
KATRINA J. MCMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK  
ANN COLE  
COMMISSION CLERK  
(850) 413-6770

**Public Service Commission**

**ACKNOWLEDGEMENT**

DATE: August 12, 2008

TO: John T. Butler, Florida Power & Light Company

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 080002 or, if filed in an undocketed matter, concerning certain information provided to staff in connection with its audit of FPL's Energy Conservation Cost Recovery Clause (Audit Control No. 08-037-4-2), and filed on behalf of Florida Power & Light Company. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

DOCUMENT NUMBER - DATE  
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FPSC-COMMISSION CLERK

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PSC Website: <http://www.floridapsc.com>

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)