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February 26, 2010

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 COMMISSION
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VIA HAND DELIVERY

Florida Public Service Commission
 Ann Cole, Commission Clerk
 Office of Commission Clerk
 2540 Shumard Oak Boulevard
 Tallahassee, Florida 32399-0850

Re: FPL's Response to Staff's February 5, 2010 letter concerning confidential designation of Working Papers for Audit Control No. 00-047-4-1.

Docket 100002-EG

Dear Ms. Cole:

Enclosed please find for filing in the above-referenced docket the original and seven (7) copies of Florida Power & Light Company's (FPL's) response to Mr. Robert Freeman's February 5, 2010 letter entitled "Re: Docket No. 090002-EG, August 13, 2009 FPL's third request for extension of confidential classification for PSC staff audit working papers prepared during Energy Conservation Cost Recovery Clause Audit for the Year Ended December 31, 1999, Audit control number 00-047-4-1, documents numbered 08718-00 and 09551-00."

Please contact me if you have any questions.

Sincerely,

Ilan G. Kaufer

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01306 FEB 26 2010

FPSC-COMMISSION CLERK



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Re: FPL's Response to Staff's February 5, 2010 letter concerning confidential designation of Working Papers for Audit Control No. 00-047-4-1.

Docket 100002-EG

Dear Mr. Freeman:

This letter is in response to your February 5, 2010 letter entitled "Re: Docket No. 090002-EG, August 13, 2009, FPL's third request for extension of confidential classification for PSC staff audit working papers prepared during the Energy Conservation Cost Recovery Clause Audit for the Year Ended December 31, 1999, Audit Control Number 00-047-4-1, Document Nos. 08718-00 and 09551-00. ("February 5 letter"). In your February 5 letter, you raised three issues with Florida Power & Light's ("FPL's") August 13, 2009 Extension Request, and asked for a response from FPL to those issues within 21 days. I am hereby responding to the identified issues. I will file a copy of this response with the Commission clerk.

Issue 1: If a customer has left the system, when does the utility consider this customer's information is out of date or stale?

FPL considers customer specific information provided to FPL, such as customer names, billing addresses, phone numbers, and account numbers, to be non public information. As outlined in FPL's August 13, 2009 Request, and consistent with FPL's Code of Business Conduct and Ethics, FPL considers non public information about customers to be confidential. FPL has a corporate policy not to disclose customer information, except as required to by law, to entities or persons other than the customer, without the permission of the customer.

FPL maintains that a customer's information remains confidential even after the customer has left the system. FPL does not consider the passage of time to be a determining factor in whether a customer's information should remain confidential. FPL has consistently taken the position in previous requests for confidential classification, and the Commission has consistently held, that customer-specific information should be kept confidential.

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FPL maintains that customer-specific information should remain confidential for an indefinite period of time, except when disclosure is required by law, or when a customer has granted permission to disclose the information. Maintaining the confidentiality of customer-specific information is even more important today than it was when the Commission originally granted confidentiality in 2000. The threat of identify theft has grown significantly over the last decade. Therefore, disclosing customer specific information could directly harm the customers in question. Accordingly, FPL maintains that customer specific information should remain confidential for an indefinite period of time. FPL maintains that the customer specific information included in FPL's August 13, 2009 request should be accorded confidential treatment for a second consecutive five year period, or in the alternative, for at least another eighteen month period.

Issue 2: If a customer is at a new address after 10 years, why would 10-year-older information concerning another address remain current?

Please see FPL's response to Issue 1.

Issue 3: Would the lapse of 10 years cause the energy consumed by a still existing customer and determination of the rate class used by that customer be stale? If not, why not?

FPL maintains that the passage of time is not a factor in determining whether customer specific information should remain confidential. As outlined above in FPL's response to Issue 1, regardless of the age of the information, FPL does not disclose customer-specific information, except as required by law, or with the consent of the customer. Under certain circumstances, information concerning the amount of energy consumed by a customer and determination of a rate class used by a customer, may not require confidential treatment. However, when that type of information can be linked to customer-specific information, such as customer names, addresses, phone numbers, or billing account numbers, FPL considers that information to be sensitive and private information. Therefore, the disclosure of such information could ultimately harm the customer. Accordingly, FPL does not believe that the lapse of 10 years would cause the energy consumed by an existing customer and determination of the rate class used by that customer to be stale.

If you have any questions regarding this letter or its attachments, please contact me at (561) 304-5675, or e-mail me at ilan.kauffer@fpl.com.

Sincerely,



Ian Kaufer
Attorney for
Florida Power & Light Company

cc: Commission Clerk