

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy Conservation Cost
Recovery Clause.

DOCKET NO. 000002-EG
ORDER NO. PSC-00-0194-CFO-EG
ISSUED: January 26, 2000

ORDER GRANTING CONFIDENTIAL CLASSIFICATION OF CERTAIN MATERIAL
OBTAINED DURING THE ENERGY CONSERVATION COST RECOVERY CLAUSE
AUDIT OF FLORIDA POWER & LIGHT COMPANY
(DOCUMENT NOS. 12622-98 & 11948-98)

Florida Power & Light Company (FPL) requests confidential classification of certain material obtained during the Energy Conservation Cost Recovery Clause Audit (Audit). FPL makes this request pursuant to Section 366.093(3), Florida Statutes, and Rule 25-22.006, Florida Administrative Code. FPL asserts that this information is intended to be and is treated by FPL and its affiliates as confidential information. FPL affirms that this information has not been publicly disclosed. The information for which FPL wishes confidential treatment is contained in Document Nos. 12622-98 and 11948-98.

FPL requests that the information contained in the following table be granted confidential classification pursuant to Section 366.093(3)(d), Florida Statutes, as information concerning bids or other contractual data "the disclosure of which would impair the efforts of the public utility or its affiliates to contact for goods or services on favorable terms."

WORKPAPER NUMBER	COLUMN NUMBERS	LINE NUMBERS
43-11, PAGE 1	A	7-10, 12-14, 18-21, 23-32, 35-45, 47-49
	AA	3-6, 8-10, 18-20, 47-49
	B	3, 36-45, 45-49
	C	36-45, 47-50

DOCUMENT NUMBER-DATE

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FPSO-RECORDS/REPORTING

43-11, PAGE 2	A	56-63, 66, 69, 73, 76-81, 83-85, 87, 88
	AA	56-63, 66, 77-81, 83, 87-88
	B	50-55, 86, 89-96
	C	73
43-11, PAGE 3	A AND B	101, 102, 104-110
43-15	A AND B	1-10, 15-16, 18-24

FPL asserts that the information described in the table above contains information concerning bids or other contractual data that is particular to specific vendors. If this vendor-specific information were disclosed, FPL asserts that the vendors could refuse to contract further with FPL or its affiliates, or converge upon a price set by a specific vendor, thus impairing the efforts of FPL or its affiliates to contract for goods or services on favorable terms.

FPL requests that the information in the following table be granted confidential classification pursuant to Section 366.093(3)(e), Florida Statutes, as "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information."

WORKPAPER NUMBER	COLUMN NUMBER	LINE NUMBER
16-2/1-2/2	C	1-21
44-1/1-1/3, PAGE 1	ALL	1-19
44-1/1-1/3, PAGE 2	ALL	1-21
44-1/1-1/3, PAGE 3	ALL	1-19
44-1/1-1/3, PAGE 4	ALL	1-24
44-1/1-1/3, PAGE 5	ALL	1-22

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WORKPAPER NUMBER	COLUMN NUMBER	LINE NUMBER
44-1/1-1/3, PAGE 6	ALL	1-20
44-1/1-1/3, PAGE 7	ALL	1-20
44-1/1-1/3, PAGE 8	ALL	1-25
44-1/1-1/3, PAGE 9	ALL	1-22
44-1/1-1/3, PAGE 19	ALL	1-22
44-1/1-1/3, PAGE 11	ALL	1-20
44-1/1-1/3, PAGE 12	ALL	1-20
44-1/1, 1/3, PAGE 13	ALL	1-22
44-1/1-1/3, PAGE 14	ALL	1-23
44-1/1-1/3, PAGE 15	ALL	1-22
44-1/1-1/3, PAGE 16	ALL	1-18
44-1/1-1/3, PAGE 17	ALL	1-18
44-1/1-1/3, PAGE 18	ALL	1-18
44-1/1-1/3, PAGE 19	ALL	1-20
44-1/1-1/3, PAGE 20	ALL	1-24
44-1/1-1/3, PAGE 21	ALL	1-25
44-1/1-1/3, PAGE 22	ALL	1-22
44-1/1-1/3, PAGE 23	ALL	1-20
44-1/1-1/3, PAGE 24	ALL	1-21
44-1/1-1/3, PAGE 25	ALL	1-26
44-1/1-1/3, PAGE 26	ALL	1-27
44-1/1-1/3, PAGE 27	ALL	1-27
44-1/1-1/3, PAGE 28	ALL	1-30

WORKPAPER NUMBER	COLUMN NUMBER	LINE NUMBER
44-1/1-1/3, PAGE 29	ALL	1-30
44-1/1-1/3, PAGE 30	ALL	1-28
44-1/1-1/3, PAGE 31	ALL	1-24
44-1/1-1/3, PAGE 32	ALL	1-26
44-1/1-1/3, PAGE 33	ALL	1-26
44-1/1-1/3, PAGE 34	ALL	1-10

FPL maintains that the information described in the table above contains customer specific account information or information relating to customer accounts for non-governmental customers. FPL asserts that this information also contains information relating to ongoing litigation and information concerning bids or other contractual data. This information is granted confidential classification in this instance because specific customer names are associated with specific usage information and account numbers on the sheets described in the table above.

FPL requests that the information contained in the following table be granted confidential classification pursuant to Section 366.093(3)(f), Florida Statutes, as information concerning employees which is unrelated to compensation, duties, qualifications, or responsibilities.

WORKPAPER NUMBER	COLUMN NUMBER	LINE NUMBER
43-9/1, PAGE 1	ALL	1-9
43-9/1, PAGE 2	ALL	1
43-9/2, PAGE 1	ALL	1-4
43-9/2, PAGE 2	ALL	1
43-9/3, PAGE 1	ALL	1-15
43-9/3, PAGE 2	ALL	1

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WORKPAPER NUMBER	COLUMN NUMBER	LINE NUMBER
43-9/4, PAGE 1	ALL	1-11
43-9/4, PAGE 2	ALL	1
43-9/5, PAGE 1	ALL	1-4
43-9/5, PAGE 2	ALL	1
43-9/6, PAGE 1	ALL	1-14
43-9/6, PAGE 2	ALL	1
43-9/7, PAGE 1	ALL	1-22
43-9/7, PAGE 2	ALL	1
43-9/8, PAGE 1	ALL	1-12
43-9/8, PAGE 2	ALL	1
43-9/9, PAGE 1	ALL	1-11
43-9/9, PAGE 2	ALL	1
43-9/10, PAGE 1	ALL	1-9
43-9/10, PAGE 2	ALL	1
43-9/11, PAGE 1	ALL	1-9
43-9/11, PAGE 2	ALL	1
43-9/12, PAGE 1	ALL	1-8
43-9/12, PAGE 2	ALL	1
43-9/13, APGE 1	ALL	1-31
43-9/13, PAGE 2	ALL	1
43-9/14, PAGE 1	ALL	1-27
43-9/14, PAGE 2	ALL	1
43-9/15, PAGE 1	ALL	1-27

WORKPAPER NUMBER	COLUMN NUMBER	LINE NUMBER
43-9/15, PAGE 2	ALL	1
43-9/16, PAGE 1	ALL	1-16
43-9/16, PAGE 2	ALL	1
43-9/17, PAGE 1	ALL	1-25
43-9/17, PAGE 2	ALL	1
43-9/18, PAGE 2	ALL	1
43-9/18, PAGE 3	ALL	1-39

FPL contends that the information represented in the table above contains employee social security numbers, and is, therefore, entitled to confidential classification as employee information unrelated to compensation, duties, responsibilities or classifications.

Upon review it appears that the information discussed above is proprietary, confidential business information. FPL has requested that certain data, such as customer account information and employee social security numbers, be granted confidential classification indefinitely. The Commission is not authorized by Section 366.093, Florida Statutes, to grant confidential classification indefinitely, but only for specific periods of time. FPL has not made an affirmative showing that a specific period longer than the statutory 18 months is necessary to prevent disclosure of the information for which the company requests confidential classification. Therefore, the information for which FPL requests confidential classification shall be granted confidential classification for a period of eighteen months from the date of the issuance of this Order. Based on the foregoing, FPL's request for confidential treatment of Document Nos. 12622-98 and 11948-98 is granted.

FPL also requests that the confidential information be returned to FPL when the information is "no longer necessary for the Commission to conduct its business." However, audit workpapers

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are retained by the Commission and not returned to the parties. If FPL wishes continued protection for these documents, it may petition for continued protection at the expiration of the confidential period, if appropriate.

In consideration of the foregoing, it is therefore

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that the information described in Florida Power and Light Company's request for confidential classification of certain material obtained during the energy conservation cost recovery clause audit, Document Nos. 12622-98 and 11948-98, is granted confidential classification. It is further

ORDERED that the information described within the body of this Order shall be granted confidential classification for a period of 18 months from the date of this order. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Commissioner Susan F. Clark as Prehearing Officer, this 26th Day of January, 2000.



SUSAN F. CLARK
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.

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, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 Records and Reporting, 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.

M E M O R A N D U M

✓ RECEIVED-PPSC

00 JAN 26 AM 10:33

JANUARY 26, 2000

RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (~~STATE~~) *RVE*

RE: DOCKET NO. 000002-EG - ENERGY CONSERVATION COST RECOVERY CLAUSE

0194-PEO

Attached is an ORDER GRANTING CONFIDENTIAL CLASSIFICATION OF CERTAIN MATERIAL OBTAINED DURING THE ENERGY CONSERVATION COST RECOVERY CLAUSE AUDIT OF FLORIDA POWER AND LIGHT COMPANY (DOCUMENT NOS. 12622-98 AND 11948-98) to be issued in the above referenced docket. (Number of pages in order - 8)

GAJ
 Attachment
 cc: Division of Electric and Gas
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MUST GO TODAY

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their first filing

1/2 re faxed due to parties 1/6/2 being

without from

6/1/3.