

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost
recovery clause.

DOCKET NO. 010002-EG
ORDER NO. PSC-01-1128-CFO-EG
ISSUED: May 18, 2001

ORDER GRANTING CONFIDENTIAL CLASSIFICATION FOR CERTAIN MATERIALS
OBTAINED DURING THE CONSERVATION RECOVERY AUDIT OF FLORIDA POWER
& LIGHT COMPANY (DOCUMENTS NOS. 08857-99 AND 09354-99)

Pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093(3), Florida Statutes, Florida Power & Light Company (FPL) filed a request for confidential classification of certain portions of the staff working papers obtained during the conservation cost recovery audit. This information is filed with the Commission as Documents Nos. 08857-99 and 09354-99.

FPL asserts that the information for which confidential classification is requested is proprietary, confidential business information which is intended to be, and is treated by FPL as private and has not been publicly disclosed. FPL also asserts that disclosure of this information would cause harm to the company and its ratepayers. FPL requests that this information be granted confidential classification for a period of eighteen months from the issuance of this order.

Specifically, FPL requests that workpaper no. 41-1/1-1, "summary of customer charges for April 1998" page 1, line 1; workpaper 41-1/1-2 "summary of customer charges for April 1998," pages 1-2, 4-5, line 1; workpaper 41-1/1-3, "summary of customer charges for April 1998," pages 1, 3-4, 6-7, line 1; workpaper no. 41-1/1-4, "RTP schedule," pages 1, 4-12, lines 1-3; workpaper 41-1/2-2, "SST-1 (Standby Only)," page 1, line 1; workpaper 41-1/2-3, "SST-1 (Standby Only)," pages 1-2, 5-7, line 1; workpaper 44-1/1, "Incentives," page 3, lines 1-10, page 4, lines 1-18, page 5, lines 1-8, page 6, lines 1-18, page 7, lines 1-12, page 8, lines 1-14, page 9, lines 1-10, page 10, lines 1-20, page 11-12, lines 1-18, page 13, lines 1-12, page 14, lines 1-14, page 15, lines 1-10, page 16, lines 1-16, page 17, lines 1-14, page 18, lines 1-2, page 19, lines 1-4, page 20, lines 1-2, page 21, lines 1-14, page 22, lines 1-16, page 23, lines 1-18, pages 24-26, lines 1-12, pages 27, 28, lines 1-22, page 29, lines 1-26, page 30, lines 1-28, page 31,

DOCUMENT NUMBER-DATE

06240 MAY 18 2001

FPLSC-RECORDS/REPORTING

lines 1-24, page 32, lines 1-22, page 33, lines 1-24, pages 34-35, lines 1-20; workpaper 44-1/1-1, 44-1/1-1/2, 44-1/1-1/3, 44-1/1-1/4 "Incentives," page 1, line 1; workpaper 44-3/1, "Incentives," pages 1-2, lines 1-12, page 3, lines 1-24; workpapers 44-3/1/1-1, 44-3/1/1-2, 44-3/1/1/3, 44-3/1/1-4, 44-3/1/1-5, 44-3/1/1-6, 44-3/1/1-7, "Incentives," page 1, line 1; workpaper 44-3/1, "Incentives," pages 1-2, lines 1-12, page 3, lines 1-24; workpapers 44-3/1/1-1, 44-3/1/1-2, 44-3/1/1-3, 44-3/1/1-4, 44-3/1/1-5, 44-3/1/1-6, 44-3/1/1-7, "incentives," page 1, line 1; workpaper 46-5, "Sample of Acct. 908.350," page 1 Column A, B, C; workpaper 46-5/1-1, "Test of Sample of Acct. 908.350," pages 1-2, all lines be granted confidential classification because this information is related to or derived from certain customer's account information, as well as information concerning bids or other contractual data pertaining to ongoing litigation.

FPL asserts that this information is and has been maintained in strict confidence by the utility. With regard to its customer and account information, FPL contends that it maintains such customer account information in confidence for the benefit of its customers and does not disclose such information to third parties except as required by law or with the permission of the customer. FPL maintains that disclosure of this information would cause harm to its competitive interests by disclosing private information its customers would not otherwise allow to be disclosed. This could lead to uneconomic bypass of FPL's facilities as customers might seek other means of meeting their energy requirements which would not entail the disclosure of their private information. Additionally, FPL asserts that disclosure of the contractual and bid information, consisting of materials, statements and data, relating to ongoing litigation, would reveal FPL's litigation strategy and posture. FPL asserts that this information "relates to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." Section 366.093(3)(e).

Upon review, it appears that the information for which confidential classification is sought is confidential proprietary business information within the meaning of Section 366.093, Florida Statutes. Therefore, those portions of Documents Nos. 08857-99 and 09354-99 discussed above are granted confidential classification. FPL requested that the protected information be granted

ORDER NO. PSC-01-1128-CFO-EG
DOCKET NO. 010002-EG
PAGE 3

confidential classification for a period of eighteen months from the date of the issuance of this Order pursuant to Section 366.093(4), Florida Statutes. FPL's request that the information be returned once the Commission no longer needs it to conduct its business must, however, be denied. Commission Staff audit workpapers are retained by the Commission for a period of 25 years as part of its accounting practices. If, prior to the expiration of the confidential time period, FPL wishes to petition for continued confidential classification of this information, it may do so for good cause shown.

It is therefore

ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that the information discussed above and contained in Documents Nos. 08857-99 and 09354-99 is granted confidential classification. It is further

ORDERED that the information discussed above and contained in Documents Nos. 08857-99 and 09354-99 is granted confidential classification for a period of eighteen months. It is further

ORDERED that this Order will be the only notification by the Commission to the parties of the declassification date of this material.

By ORDER of Commissioner Lila A. Jaber, as Prehearing Officer, this 18th day of May, 2001.



LILA A. JABER
Commissioner and Prehearing Officer

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ORDER NO. PSC-01-1128-CFO-EG
DOCKET NO. 010002-EG
PAGE 4

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.

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 25-22.038(2), 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.