

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy Conservation Cost
Recovery Plan.

DOCKET NO. 010002-EG
ORDER NO. PSC-01-2249-CFO-EG
ISSUED: November 16, 2001

ORDER GRANTING EXTENSION OF THE 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)

By Order No. PSC-00-0194-CFO-EG, issued January 26, 2000, in Docket No. 000002-EG, the Commission approved Florida Power & Light Company's (FPL) request for confidential protection for certain material obtained during the 1998 Energy Cost Recover Clause Audit (Audit). FPL had asked that materials be returned to FPL when the information was "...no longer needed for the Commission to conduct its business." However, audit workpapers are retained by the Commission for a period of twenty five years. The order states "If FPL wishes continued protection for these documents, it may petition for continued protection at the expiration of the confidential period, if appropriate."

On July 20, 2001, FPL requested an extension of the confidential classification granted 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 seeks continued confidential treatment is contained in Document Nos. 12622-98 and 11948-98.

FPL requests that the information contained in the following table be granted continued 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."

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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
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 continued 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
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

WORKPAPER NUMBER	COLUMN NUMBER	LINE NUMBER
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
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 continued 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

ORDER NO. PSC-01-2249-CFO-EG

DOCKET NO. 010002-EG

PAGE 5

WORKPAPER NUMBER	COLUMN NUMBER	LINE NUMBER
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
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, PAGE 1	ALL	1-31
43-9/13, PAGE 2	ALL	1

WORKPAPER NUMBER	COLUMN NUMBER	LINE NUMBER
43-9/14, PAGE 1	ALL	1-27
43-9/14, PAGE 2	ALL	1
43-9/15, PAGE 1	ALL	1-27
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. As employee social security numbers are no longer needed to support the audit, they have been returned to the utility. A confidential classification is, therefore, no longer needed for these materials.

Upon review it appears that the information discussed above, other than information relating to employee social security numbers, is proprietary, confidential business information. 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 protect 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. However, audit workpapers are retained by the Commission and not returned to the parties.

ORDER NO. PSC-01-2249-CFO-EG
DOCKET NO. 010002-EG
PAGE 7

Based on the foregoing, FPL's request for confidential treatment of Document Nos. 12622-98 and 11948-98 is granted.

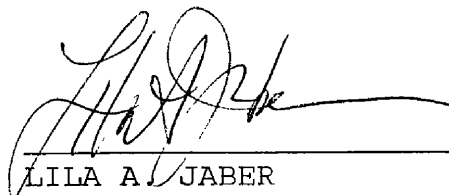
In consideration of the foregoing, it is therefore

ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that the information described in Florida Power & Light Company's request for confidential classification of certain material obtained during the 1998 Energy Conservation Cost Recovery Clause Audit, Document Nos. 12622-98 and 11948-98, is granted as set forth in this order. It is further

ORDERED that pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 366.093, Florida Statutes. 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 Lila A. Jaber, as Prehearing Officer, this 16th day of November, 2001.



LILA A. JABER

Commissioner and Prehearing Officer

(S E A L)

LHD

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 the Commission Clerk and Administrative Services, 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.