

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost  
recovery clause.

DOCKET NO. 020002-EG  
ORDER NO. PSC-02-0605-CFO-EG  
ISSUED: May 2, 2002

ORDER GRANTING REQUEST FOR EXTENSION OF CONFIDENTIAL  
CLASSIFICATION GRANTED BY ORDER NO. PSC-00-1569-CFO-EG OF  
CERTAIN MATERIAL OBTAINED DURING THE ENERGY CONSERVATION  
COST RECOVERY AUDIT

On July 17, 2000, copies of certain portions of staff's working papers prepared during the audit of Florida Power & Light Company's (FPL) Conservation Cost Recovery program for 1999 were delivered to FPL, and the utility requested that these materials be temporarily exempt from public access pursuant to Rule 25-22.006(3)(a)(2), Florida Administrative Code. These identified work papers were filed with the Commission on July 19, 2000, as Document No. 08718-00.

On August 7, 2000, pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, FPL filed with the Commission its Request for Confidential Classification of certain materials obtained during the above-referenced audit. FPL's request included redacted public copies (Document No. 09550-00) and copies with the sensitive information highlighted (Document No. 09551-00), as required by Rule 25-22.006, Florida Administrative Code. By Order No. PSC-00-1569-CFO-EI, issued August 31, 2000, the Commission granted FPL's request for an eighteen-month confidential classification to this audit material.

On February 27, 2002, FPL filed its First Request for Extension of Confidential Classification Granted by Order No. PSC-00-1569-CFO-EI of Certain Material Obtained During the Energy Conservation Cost Recovery Audit. The documents that are the subject of FPL's request, which include the staff-filed originals of the sensitive working papers (Document No. 08718-00), FPL-filed public copies of the working papers with the sensitive portions redacted (Document No. 09550-00), and FPL-filed copies of the working papers with the sensitive information highlighted (Document No. 09551-00), are still in possession of the Commission Clerk.

DOCUMENT NUMBER-DATE

04809 MAY-28

FPSC-COMMISSION CLERK

In its Request, FPL states that the period of confidential treatment granted by the Commission will soon expire, and that the information that was the subject of FPL's August 7, 2000, Request warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093, Florida Statutes.

FPL requests an extension of the confidential classification pursuant to Rule 25-22.006(9)(c), Florida Administrative Code, on the basis that these working papers still contain sensitive information, concerning specific customer electric usage rates, contract information and electric usage information. FPL asserts that this 1999 information is not stale, and that release of this information would harm the competitive businesses or disrupt the privacy of its customers. Further, FPL follows a corporate policy of protecting non-governmental customer information to include customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh, and bills. Except as required by law, FPL does not disclose customer information to entities or persons other than the customer without obtaining permission from that customer.

Accordingly, FPL requests that the information identified in Order No. PSC-1569-CFO-EG be accorded confidential classification for an additional eighteen-month period. In addition, FPL requests that the information be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business.

Upon review, I find it appropriate that FPL's request be granted, and that the customer specific information, as detailed below, be granted confidential classification for an additional eighteen-month period. The utility may request an additional eighteen-month period of confidential protection before this period tolls, or as needed.

The information for which an eighteen-month extension of confidential classification is granted as follows:

Staff Work Paper Number	Page	Line(s)	Approved	Type of Information Classified Confidential
41-1/1-1	1-2	Lines 1-4	Grant	Customer-specific Information
41-1/1-1	3	Col. A, Lines 1-4; Col. B, Line 2	Grant	Customer-specific information
41-1/1-1	4-7	Lines 1-4	Grant	Customer-specific information
41-1/1-1	8-9	Col. A, Lines 1-4; Col. B, Line 2	Grant	Customer-specific information
41-1/1-1	10	Lines 1-4	Grant	Customer-specific information
41-1/1-1	11	Col. A, Lines 1-4; Col. B, Line 2	Grant	Customer-specific information
41-1/1-1	12	Col. A, Lines 1-4; Col. B, Lines 2-3	Grant	Customer-specific information
41-1/1-1	13-15	Lines 1-4	Grant	Customer-specific information
41-1/1-1	16	Col. A, Lines 1-4; Col. B, Lines 2-3	Grant	Customer-specific information
41-1/1-1	17	Col. A, Lines 1-4; Col. B, Line 2	Grant	Customer-specific information
41-1/1-1	18-20	Col. A, Lines 1-4; Col. B, Lines 2-3	Grant	Customer-specific information
41-1/1-2	1	Col. A, Lines 1-4; Col. B, Line 2	Grant	Customer-specific information
41-1/1-3	1	Line 1-8, Col. A	Grant	Customer-specific information
41-1/1-3/1	1-8	Col. A, Lines 1-2; Col. B, Lines 1-3	Grant	Customer-specific information
41-1/1-4	1	Lines 1-9	Grant	Customer-specific information
41-1/1-4	2,3	Line 1, Col. A-B	Grant	Customer-specific information

Staff Work Paper Number	Page	Line(s)	Approved	Type of Information Classified Confidential
41-1/1-4	5,6	Line 1, Col. A-B	Grant	Customer-specific information
41-1/1-4	8,9	Line, Col. A-B	Grant	Customer-specific information
41-1/1-4	10,11	Col. A, Lines 1-2; Col. B, Lines 1-3	Grant	Customer-specific information
41-1/2-1	1	Col. A, Lines 1-4; Col. B, Line 2	Grant	Customer-specific information
41-1/2-1	2	Lines 1-4, Col. A	Grant	Customer-specific information
41-1/2-1	3	Col. A, Lines 1-4; Col. B, Lines 2-3	Grant	Customer-specific information
41-1/2-1	4	Lines 1-4, Col. A	Grant	Customer-specific information
41-1/2-1	5	Col. A, Lines 1-4; Col. B, Line 2	Grant	Customer-specific information
41-1/2-1	6	Col. A, Lines 1-4; Col. B, Lines 2-3	Grant	Customer-specific information
41-1/2-1	7-8	Lines 1-4, Col. A	Grant	Customer-specific information
41-1/2-1	9-10	Col. A, Lines 1-4; Col. B, Line 2	Grant	Customer-specific information
41-1/2-1	11	Lines 1-4, Col. A	Grant	Customer-specific information
41-1/2-1	12	Col. A, Lines 1-4; Col. B, Line 2	Grant	Customer-specific information
41-1/2-1	13	Col. A, Lines 1-4; Col. B, Lines 2-3	Grant	Customer-specific information
41-1/2-1	14-15	Lines 1-4, Col. A	Grant	Customer-specific information
41-1/2-1	16	Col. A, Lines 1-4; Col. B, Line 2	Grant	Customer-specific information

Staff Work Paper Number	Page	Line(s)	Approved	Type of Information Classified Confidential
41-1/2-1	17	Col. A, Lines 1-4; Col. B, Lines 2-3	Grant	Customer-specific information
41-1/2-1	18	Lines 1-4, Col. A	Grant	Customer-specific information
41-1/2-1	19	Col. A, Lines 1-4; Col. B, Line 2	Grant	Customer-specific information
41-1/2-1	20	Col. A, Lines 1-4; Col. B, Lines 2-3	Grant	Customer-specific information
41-1/2-3	1	Col. A, Lines 1-4; Col. B, Line 2	Grant	Customer-specific information
41-1/2-3/1	1	Lines 1-22, Col. A	Grant	Customer-specific information
41-1/2-3/2	1-7	Col. A, Lines 1-2; Col. B, Lines 1-3	Grant	Customer-specific information
41-1/2-3/4	3	Col. A, Lines 1-2; Col. B, Lines 1-3	Grant	Customer-specific information
41-1/2-3/5	1-7	Col. A, Lines 1-2; Col. B, Lines 1-3	Grant	Customer-specific information
41-1/2-4	1	Lines 1-3, Col. A	Grant	Customer-specific information
41-1/2-4	2-4	Line 1, Col. A-B	Grant	Customer-specific information
43-3	1	Col. A, Lines 1-3	Grant	Customer-specific information
43-3	2	Col. A-C, Lines 1-13	Grant	Customer-specific information
43-3	3	Col. A-C, Lines 1-30	Grant	Customer-specific information
43-3	4	Col. A, Line 1	Grant	Customer-specific information
43-4	3	Col. A, Line 1	Grant	Customer-specific information

Staff Work Paper Number	Page	Line(s)	Approved	Type of Information Classified Confidential
43-13/1	2	Col. B, Lines 1, 3-7, 10-11, 12, 15-18, 21, 24-32, 40-41	Grant	Customer-specific information
43-13/1	3	Col. B, Lines 2, 5-9, 11, 14-17, 20-22, 24-27, 29, 31, 33-34, 36, 39, 41-44	Grant	Customer-specific information
43-13/1	4	Col. B, Lines 1-7, 9-13, 14, 16-25, 27-29, 31-32, 34, 36-40, 41-43, 44-45	Grant	Customer-specific information
43-13/1	5	Col. B, Lines 3,5, 8-11, 13-16, 18, 20-23, 26, 29-30, 33, 35-36, 39-41, 43, 45	Grant	Customer-specific information
43-13/1	6	Col. B, Lines 3-4, 6, 8, 9-10, 13-15, 17, 19-20, 23-26, 28, 32, 34, 38-41	Grant	Customer-specific information
43-13/1	7	Col. B, Lines 1-2, 4-7, 8-11, 13-14, 17-18, 20-22, 26-27, 29-31, 33-34, 36-38	Grant	Customer-specific information
43-13/1	8	Col. B, Lines 1-4, 13-14, 16-17, 20, 22-23, 25-30, 33, 35	Grant	Customer-specific information
43-13/1	9	Col. B, Lines 2-5, 7-8, 14-16, 18, 20, 24-27, 29, 31, 33-36, 39, 41	Grant	Customer-specific information
43-13/1	10	Col. B, Lines 1, 3, 4-7, 11, 13-16, 19, 22, 25-27, 29-30, 38-39	Grant	Customer-specific information
43-13/1	11	Col. B, Lines 5, 7-8, 10-15, 19-21, 23-24, 26, 30, 35	Grant	Customer-specific information

Staff Work Paper Number	Page	Line(s)	Approved	Type of Information Classified Confidential
43-13/1	12	Col. B, Lines 1-5, 9-10, 12, 17, 21-29, 31-36, 39	Grant	Customer-specific information
43-13/1	13	Col. B, Lines 3-5	Grant	Customer-specific information
44-13/1-1	1	Col. A, Lines 1-2; Col. B, Lines 1-3	Grant	Customer-specific information
44-13/1-1/1	1	Col. A, Lines 1-2; Col. B, Line 1	Grant	Customer-specific information
44-13/1-1/1	2	Col. A, Line 1; Col. B, Lines 1-4	Grant	Customer-specific information
44-13/1-2	1	Col. A, Lines 1-2; Col. B, Lines 1-3	Grant	Customer-specific information
44-13/1-2/1	1	Col. A, Lines 1-3; Col. B, Line 2	Grant	Customer-specific information
44-13/2	2	Lines 1-10	Grant	Customer-specific information
44-13/2	3-4	Lines 1-12	Grant	Customer-specific information
44-13/2	5	Lines 1-18	Grant	Customer-specific information
44-13/2	6	Lines 1-6	Grant	Customer-specific information
44-13/2	7	Lines 1-16	Grant	Customer-specific information
44-13/2	8	Lines 1-16	Grant	Customer-specific information
44-13/2	9	Lines 1-20	Grant	Customer-specific information
44-13/2	10	Lines 1-12	Grant	Customer-specific information
44-13/2	11	Lines 1-10	Grant	Customer-specific information

Staff Work Paper Number	Page	Line(s)	Approved	Type of Information Classified Confidential
44-13/2	12	Lines 1-12	Grant	Customer-specific information
44-13/2	13	Lines 1-18	Grant	Customer-specific information
44-13/2	14	Lines 1-6	Grant	Customer-specific information
44-13/2	15	Lines 1-10	Grant	Customer-specific information
44-13/2	16	Lines 1-6	Grant	Customer-specific information
44-13/2	17	Lines 1-16	Grant	Customer-specific information
44-13/2	18,19	Lines 1-18	Grant	Customer-specific information
44-13/2	20	Lines 1-16	Grant	Customer-specific information
44-13/2	21	Lines 1-12	Grant	Customer-specific information
44-13/2	22	Lines 1-20	Grant	Customer-specific information
44-13/2	23	Lines 1-30	Grant	Customer-specific information
44-13/2	24	Lines 1-24	Grant	Customer-specific information
44-13/2	25	Lines 1-28	Grant	Customer-specific information
44-13/2	26	Lines 1-16	Grant	Customer-specific information
44-13/2	27	Lines 1-20	Grant	Customer-specific information
44-13/2	28	Lines 1-14	Grant	Customer-specific information



Staff Work Paper Number	Page	Line(s)	Approved	Type of Information Classified Confidential
44-13/2-1	1	Col. A, Lines 1-6	Grant	Customer-specific information
44-13/2-1	2	Col. A-B, Line 1	Grant	Customer-specific information
44-13/2-1/1	1	Col. A, Lines 1-2; Col. B, Line 2	Grant	Customer-specific information
44-13/2-1/1	2	Col. A, Lines 1-2; Col. B, Lines 1-4	Grant	Customer-specific information
44-13/2-2	1	Col. A, Lines 1-12	Grant	Customer-specific information
44-13/2-2	2	Col. A-B, Line 1	Grant	Customer-specific information
44-13/3	2	Col. B, Lines 2, 4, 7, 9, 11-12, 16-17, 19-21, 23-24, 26, 28-36, 38	Grant	Customer-specific information
44-13/3	3	Lines 1-4, 6, 10, 13-14, 16-27, 34, 36, 38, 40	Grant	Customer-specific information
44-13/3	4	Lines 1-2, 6-8, 10- 11, 16-18, 21, 23- 25, 27-30, 33, 36- 38, 40	Grant	Customer-specific information
44-13/3	5	Lines 2-3, 5-8, 10- 11, 14-16, 22-23, 27-30, 36-37, 39-40	Grant	Customer-specific information
44-13/3	6	Lines 1-4, 7, 9, 15- 18, 21, 23, 25-27, 31-35, 37, 39-40	Grant	Customer-specific information
44-13/3	7	Lines 3, 5, 6-12, 15, 17-18, 21-23, 25-29, 31-39	Grant	Customer-specific information
44-13/3	8	Lines 2, 5-7, 9, 13, 15-17, 20, 23-24, 26-39, 41-43, 45	Grant	Customer-specific information

Staff Work Paper Number	Page	Line(s)	Approved	Type of Information Classified Confidential
44-13/3	9	Lines 2, 4-9 12-14, 18, 21-22, 24, 26-30, 32-33, 35, 37-39, 41-45	Grant	Customer-specific information
44-13/3	10	Lines 3-4, 6, 12-15, 17, 19, 21, 23, 32-33, 35-36, 39	Grant	Customer-specific information
44-13/3	11	Lines 1, 3, 5, 7, 8-11, 12, 14, 18, 22, 24-25, 27, 29, 31, 34, 36, 38	Grant	Customer-specific information
44-13/3	12	Lines 2-4, 7-8, 14, 16, 18-20, 22, 24-32, 34-36, 39, 41-45	Grant	Customer-specific information
44-13/3	13	Lines 2, 4, 8-9, 12, 14, 16-17, 19-20, 22-23, 27, 29, 31, 34, 36	Grant	Customer-specific information
44-13/3	14	Lines 1, 4, 9, 12-15, 18, 20, 22, 23, 26-27, 33, 36-37, 39	Grant	Customer-specific information
44-13/3	15	Lines 1-3, 6-7, 9-12, 14-27, 32-38, 40	Grant	Customer-specific information
44-13/3	16	Lines 1-3, 5-7, 9-11	Grant	Customer-specific information
44-13/3-1	1	Col. A, Lines 1-2; Col. B, Lines 1-3	Grant	Customer-specific information
44-13/3-1/1	1	Lines 1-3, Col. A; Line 2, Col. B	Grant	Customer-specific information
44-13/3-1/1	3	Col. A, Lines 1-4	Grant	Customer-specific information
44-13/3-2	1	Col. A, Lines 1-2; Col. B, Lines 1-3	Grant	Customer-specific information
44-13/3-3	1	Col. A, Lines 1-2; Col. B, Lines 1-3	Grant	Customer-specific information

Staff Work Paper Number	Page	Line(s)	Approved	Type of Information Classified Confidential
45	1	Col. A, Line 2; Col. B, Lines 1-3	Grant	Customer-specific information
45	2	Col. A, Lines 2-8	Grant	Customer-specific information
45	3	Col. A, Lines 1-6	Grant	Customer-specific information
45	4-5	Col. A, Line 1	Grant	Customer-specific information
45-1/7-1	1	Col. A, Lines 2-3; Col. B, Lines 1-2	Grant	Customer-specific information
45-1/7-1	2	Col. B, Lines 1-4	Grant	Customer-specific information
48	1	Col. A-C, Lines 1-42	Grant	Customer-specific information
48-1	1	Col. A, Lines 1,4,6, 8,10,12,14,16,18,24;  Col. B, Lines 1,4,6, 8,10,12,14,16,18;  Col. C, Lines 1, 8- 12,14,16,18;  Col. D, Lines 1-3, 5, 7-13, 15, 17-26	Grant	Customer-specific information
48-1	2	Col. A, Lines 1,3,5,7,10,13,16,19, 23  Col. B, Lines 1,3,5, 7,10,13,16,19,23,24  Col. C, Lines 1,3,5, 7,10,13,16,19,23  Col. D, Lines 1-25	Grant	Customer-specific information

Staff Work Paper Number	Page	Line(s)	Approved	Type of Information Classified Confidential
48-1	3	Col. A-B, Lines 1,5,7-8,12,15,18,22,25  Col. C, Lines 1,5,7-8,12,15,18-19,22,25  Col. D, Lines 1-28	Grant	Customer-specific information
48-1	4	Col. A-B, Lines 1,3,6,7,9,11,17,22  Col. C, Lines 1,3-4,6-9,11,17,22  Col. D, Lines 1-26	Grant	Customer-specific information
48-1	5	Cols. A-C, Lines 1,6,10,14,20,23  Col. D, Lines 1-26	Grant	Customer-specific information

Section 367.093(4), Florida Statutes, provides that any finding by the Commission that records contain proprietary confidential business information shall be effective for a period not to exceed eighteen months, unless the Commission finds good cause to specify a longer period. FPL did not request an extension to this period of classification. As such, the information identified in Documents Nos. 08718-00 and 09551-00, and as described above, shall be granted confidential classification for a period of eighteen months from the date of issuance of this Order.

Based on the foregoing, it is


ORDERED by Commissioner Michael A. Palecki, as Prehearing Officer, that the information described in the body of this Order and contained in Document Nos. 08718-00 and 09551-00 shall be granted an additional eighteen months of confidential classification. It is further

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ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the documents specified herein shall expire eighteen months from the date of issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 364.183, 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 Michael A. Palecki, as Prehearing Officer, this 2nd day of May, 2002.



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MICHAEL A. PALECKI  
Commissioner and Prehearing Officer

( S E A L )

LAE

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.

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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 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.