

In re: Energy conservation cost
recovery clause.

DOCKET NO. 020002-EG
ORDER NO. PSC-02-1493-CFO-EG
ISSUED: October 31, 2002

ORDER GRANTING CONFIDENTIAL CLASSIFICATION FOR CERTAIN
MATERIALS OBTAINED DURING THE CONSERVATION RECOVERY AUDIT
OF FLORIDA POWER & LIGHT COMPANY (DOCUMENTS NOS. 07733-02,
07953-02, AND 11029-02)

Pursuant to Rule 25-22.066, 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. 07733-02, 07953-02, and 11029-02.

FPL asserts that the information for which confidential classification is requested is proprietary, confidential business information within the meaning of Section 366.093(3), Florida Statutes, and that such information is entitled to confidential information and is exempt from the disclosure provisions of the public records law. Further, FPL asserts that this information consists of customer-specific account information which FPL considers to be confidential proprietary business information. Additionally, the information contains FPL business plans and strategies which FPL considers to be confidential proprietary business information, the disclosure of which would impair the competitive business of FPL. Finally, FPL states that the information also contains internal audit controls or reports or information relating to same, and that such information is entitled to protection under Section 366.093(3)(b), Florida Statutes.

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(3), Florida Statutes. Therefore, those portions of Documents Nos. 07733-02, 07953-02, and 11029-02 specified in the table below are granted confidential classification.

DOCUMENT NUMBER DATE

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FPSC-001493-CFO-EG CLERK

Staff Work Paper	Page(s)	Lines(s)	Disposition	Type of Information Classified Confidential
9	1	Col C, 1-51	Grant	Reports and information concerning internal audits
9	2	Col C, 52-99	Grant	Reports and information concerning internal audits
9	3	Col C, 1-5	Grant	Reports and information concerning internal audits
9	4	Col C, 1-23	Grant	Reports and information concerning internal audits
9-1	1-7	All	Grant	Reports and information concerning internal audits
41-1/1-1	1-2, 4-6, 9-10, 12-16	Col A, 1,28; Col B, 2-10,12-14, 27-28; Col C, 1,3-10, 12-13, 28; Col D 17-18,20-24,28; Col E, 17-18,20-24; Col F, 16-18,22-25	Grant	Sensitive competitive business information
41-1/1-2	2-3, 6-10	Col A-B, 1-3; Col B-C,E-G, 8-45	Grant	Sensitive competitive business information
41-1/1-3	2-3, 5-7, 9	Col A-B, 1-3; Col B-C,E-G, 8-45	Grant	Sensitive competitive business information
43-3	1	Col I-K, 1-44	Grant	Sensitive competitive business information
43-4/1	1-2	Col A-B, 1-3; Col B-C,E-G, 8-43	Grant	Sensitive competitive business information
43-6	1	Col I,K, 49-55,59-62, 64-91	Grant	Sensitive competitive business information

Staff Work Paper	Page(s)	Lines(s)	Disposition	Type of Information Classified Confidential
43-6/10	1	1	Grant	Sensitive competitive business information
43-6/10	2	2,4,15,19-23,25-30	Grant	Sensitive competitive business information
43-6/10	3	6,7,25	Grant	Sensitive competitive business information
43-6/10	4	11	Grant	Sensitive competitive business information
43-6/10	5	1	Grant	Sensitive competitive business information
43-6/10	7	11-15	Grant	Sensitive competitive business information
43-6/10	10	Col A, 3,5,7	Grant	Sensitive competitive business information
43-6/11	1	1-4,6,11-12	Grant	Sensitive competitive business information
43-6/11	2	Col A, 2-33	Grant	Sensitive competitive business information
43-6/11	3-5	All	Grant	Sensitive competitive business information
43-6/12	1	1-4; Col A, 5-6,8-38; Col B, 5-6,13-38; Col C, 5-6,13-38	Grant	Sensitive competitive business information
43-6/12	2	1-19	Grant	Sensitive competitive business information
43-6/12	3-4	All	Grant	Sensitive competitive business information
43-7	1	Col J-K, 1	Grant	Sensitive competitive business information

Staff Work Paper	Page(s)	Lines(s)	Disposition	Type of Information Classified Confidential
43-7	2	Col G, 22; Col J, 9; Col N, 18-19	Grant	Sensitive competitive business information
43-7	3	Col G,K,N, 23	Grant	Sensitive competitive business information
43-7	4	Col G, 25-27; Col K, 25-27 Col J, 15-17,32-36; Col N 13-15,23A-25, 27;	Grant	Sensitive competitive business information
43-7/3	1	1-2; Col A, 3-11; Col B, 3-4,10-11; Col C, 3-4,10-11; 13-36	Grant	Sensitive competitive business information
43-7/3	2	1-7,15-23	Grant	Sensitive competitive business information
43-7/3	3-4	All	Grant	Sensitive competitive business information
44-7/1-1/1	1	Col A-C,J-L,N, 1,4,11,13,15,17,19-20, 23,25-26,28-32,34,36, 41-44,49-51,53,56-61, 66-67,69-72	Grant	Sensitive competitive business information
44-7/1-1/1	2	Col A-C,J-L,N, 1,5-6,9-11,14,17, 19-20,22,30,32-33,35, 41-43,46,48-51,56-59, 61,63,65,68,70,72-73	Grant	Sensitive competitive business information

Staff Work Paper	Page(s)	Lines(s)	Disposition	Type of Information Classified Confidential
44-7/1-1/1	3	A-C,J-L,N, 2,9,11,13,15-16, 18-20,24,27,29,31, 37-41,45-46,48,50, 52-53,57,59,61-64,66, 68-70,72-74	Grant	Sensitive competitive business information
44-7/1-1/1	4	A-C,J-L,N, 2,4,9,11,20-22,24,26, 28,30-34,36,38,41-43, 45,53,55-56,59,63,65, 68,71	Grant	Sensitive competitive business information
44-7/1-1/1	5	A-C,J-L,N, 3-4,8-11,13,15,17-18, 20-22,26,30-32,34-35, 38,41-43,49-50,52,54, 58,60-63,66-67,71-72, 74	Grant	Sensitive competitive business information
44-7/1-1/1	6	A-C,J-L,N, 1-3,8,10,13,15-16,21, 24-25,28-29,31,36,39, 41,44-45,47,49-51, 55-57,61-63,65-66, 70-71	Grant	Sensitive competitive business information
44-7/1-1/1	7	A-C,J-L,N, 2,4-8,10,12-20,23,28, 32,37-40,45-46,48-51, 53,55,57,60,62	Grant	Sensitive competitive business information
44-9/1-1/1	1	A-C,J-L,N, 1,5,9,11-12,14,17-19, 21-24,27,29,37-40, 42-43,47-51,54-55, 58-59,61-62,64,67,69, 71,74	Grant	Sensitive competitive business information

Staff Work Paper	Page(s)	Lines(s)	Disposition	Type of Information Classified Confidential
44-9/1-1/1	2	A-C,J-L,N, 6,10-11,20,22,24-26, 28-29,33-34,39,42-44, 46,49-50,54-55,59-60, 65-66,68,72	Grant	Sensitive competitive business information
44-9/1-1/1	3	A-C,J-L,N, 2-4,14-16,19-21, 24-27,33-34,36-37, 40-43,45,49,53-54, 57-58,60,62-63,70-72, 74	Grant	Sensitive competitive business information
44-9/1-1/1	4	A-C,J-L,N, 1-2,4,6-8,10,14,20,22, 25,30-31,33,37-38,41, 45-47,52-54,56,58, 61-65,67-69,74	Grant	Sensitive competitive business information
44-9/1-1/1	5	A-C,J-L,N, 2-4,8-9,13,17-22,24, 27-28,31-32,34,36-38, 42-44,46-47,49-50, 55-56,58-59,62-64, 67-70,72-74	Grant	Sensitive competitive business information
44-9/1-1/1	6	A-C,J-L,N, 4-7,9-10,12,17-19, 21-23,25-26,31,39,41, 46,49-51,54-57,61-65, 70-73	Grant	Sensitive competitive business information
44-9/1-1/1	7	A-C,J-L,N, 1,3-4,6,10-11,15-20, 27,32-37,39-42,54,56, 58	Grant	Sensitive competitive business information

FPL requested that the information be granted protection 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

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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.


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 Documents Nos. 07733-02, 07953-02, and 11029-02 shall be granted confidential classification. It is further

ORDERED that pursuant to Rule 25-22.066, Florida Administrative Code, and Section 366.093(3), Florida Statutes, confidentiality granted to the documents specified herein shall expire eighteen months from the date of the issuance of this Order in the absence of a renewed request for confidentiality. 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 31st day of October, 2002.



MICHAEL A. PALECKI

Commissioner and Prehearing Officer

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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 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.