

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidential  
classification of materials  
provided in Audit No. 00-222-4-1  
by Florida Power & Light  
Company.

DOCKET NO. 001564-EI  
ORDER NO. PSC-03-0100-CFO-EI  
ISSUED: January 15, 2003

ORDER GRANTING FLORIDA POWER AND LIGHT COMPANY'S REQUEST  
FOR CONFIDENTIAL CLASSIFICATION

On January 30, 2001, the Commission issued Order No. PSC-01-0276-CFO-EI granting FPL's request for confidential classification of sensitive materials contained within documents 12782-00 and 13160-00. These materials, which included portions of staff's working papers prepared during FPL's Operating Revenue Audit, were accorded confidential classification for a period of 18 months. On July 25, 2002, FPL filed a request that the confidential classification afforded by Order No. PSC-01-0276-CFO-EI be extended by an additional 18 months.

Documents submitted to governmental agencies in Florida are public records. The only exceptions are the specific statutory exemptions provided in the law and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. This is based on the concept that government should operate in the "sunshine."

Rule 25-22.006(4), F.A.C., provides that it is the company's burden to demonstrate that the documents fall into one of the statutory examples set out in Section 366.093, Florida Statutes, or to demonstrate that the information is proprietary confidential information, the disclosure of which will cause the company or its ratepayers harm.

Section 366.093(3), Florida Statutes, provides the following definition for proprietary confidential business information:

Proprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that

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the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. The term includes, but is not limited to [in pertinent part]: . . . b) internal auditing controls and reports of internal auditors. . . d) information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms. . . e) information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. . . .

Rule 25-22.006(4)(c), F.A.C., requires that the company demonstrate by a line-by-line or field-by-field justification how the information asserted to be confidential qualifies as one of the statutory examples listed in Section 366.093(3), Florida Statutes. As set out in the attached chart, Attachment I, the materials for which confidential classification has been requested meet the requirements for exemption based on the applicable statutory categories.

As noted by FPL, the materials continue to be competitively sensitive and warrant the protection of confidential classification for an additional 18 months. The continuing competitively sensitive nature of the materials is demonstrated by the inclusion therein of FiberNet's financial projections, operating results, contract and pricing information, cost data, and internal audits or audit reports. The information also includes detailed descriptions by location of FiberNet's Telecommunications System and equipment that would tend to reveal FiberNet's system capabilities and/or deficiencies by location. Because of the continuing competitive sensitivity of this information, the need for confidential classification for an additional 18 months has been justified pursuant to Section 366.093(4), Florida Statutes. See Attachment I.

Based upon the foregoing, it is

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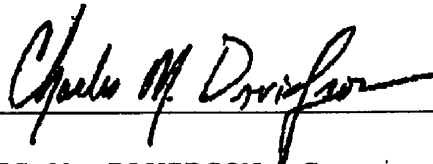
ORDERED by Commissioner Charles M. Davidson as Prehearing Officer that Florida Power and Light Company's Request for Confidential Classification for Documents Nos. 12782-00 and 13160-00 is granted as indicated by the chart in Attachment I. It is further

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. 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. It is further

ORDERED that this docket be closed.

By ORDER of Commissioner Charles M. Davidson as Prehearing Officer, this 15th day of January, 2003.



CHARLES M. DAVIDSON, 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

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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.

Staff Work Paper	Page(s)	Line(s)	Action	Type of Information Classified Confidential
Documents 12782-00 and 13160-00				
9	1	1-3	Grant 18 months extension	Internal auditing controls and report of internal auditor
9	2	1-32	Grant 18 months extension	Internal auditing controls and report of internal auditor
9	3	1-11; Col A-C, 12-38	Grant 18 months extension	Internal auditing controls and report of internal auditor
9	4	1-2; Col A-C, 3-24	Grant 18 months extension	Internal auditing controls and report of internal auditor
9	5	1-37	Grant 18 months extension	Internal auditing controls and report of internal auditor
9	6	1-38	Grant 18 months extension	Internal auditing controls and report of internal auditor
9	7	1-36	Grant 18 months extension	Internal auditing controls and report of internal auditor
9	8	1-35	Grant 18 months extension	Internal auditing controls and report of internal auditor
9	9	1-41	Grant 18 months extension	Internal auditing controls and report of internal auditor
9	10	1-37	Grant 18 months extension	Internal auditing controls and report of internal auditor
9	12	1-32	Grant 18 months extension	Internal auditing controls and report of internal auditor
9	13	1-32	Grant 18 months extension	Internal auditing controls and report of internal auditor

Staff Work Paper	Page(s)	Line(s)	Action	Type of Information Classified Confidential
9	13	1-22	Grant 18 months extension	Internal auditing controls and report of internal auditor
9	14	Col A-E, 3-23	Grant 18 months extension	Internal auditing controls and report of internal auditor
9	15	Col A, 2-18; Col B, 2-13; Col C, 2-7	Grant 18 months extension	Internal auditing controls and report of internal auditor
9	16	Col A-D, 2-50	Grant 18 months extension	Internal auditing controls and report of internal auditor
9	17	Col A-F, 5-52	Grant 18 months extension	Internal auditing controls and report of internal auditor
10-1	Request 4	1-2, 4-7	Grant 18 months extension	Internal auditing controls and report of internal auditor
10-1	Request 4	1-2, 4-7	Grant 18 months extension	Internal auditing controls and report of internal auditor
10-1	Request 8	4-7	Grant 18 months extension	Sensitive competitive and contractual information
41-1/2-1/1	1	Col A-F, 1-7	Grant 18 months extension	Sensitive competitive and contractual information
41-1/2-1/2	1	Col A-P, 1-39	Grant 18 months extension	Sensitive competitive and contractual information
41-1/2-1/2	2	Col A-P, 1-38	Grant 18 months extension	Sensitive competitive and contractual information
41-1/2-1/3	1	1-6	Grant 18 months extension	Sensitive competitive and contractual information
41-1/2-1/3	2	1-5	Grant 18 months extension	Sensitive competitive and contractual information
41-1/2-1/4	1	1-16	Grant 18 months extension	Sensitive competitive and contractual information

Staff Work Paper	Page(s)	Line(s)	Action	Type of Information Classified Confidential
41-1/2-1/4	2	Col A-B, 1-30; Col C-D, 18-30; Col E, 25-28; 31-36	Grant 18 months extension	Sensitive competitive and contractual information
41-1/2-1/4	3	Col A-B, 1-25; Col C-D, 18-25; Col E, 25-29; 26-29	Grant 18 months extension	Sensitive competitive and contractual information
41-1/2-1/4	4	Col A-G, 1-31	Grant 18 months extension	Sensitive competitive and contractual information
41-1/2-1/5	1	1; Col B-F, 1-9	Grant 18 months extension	Sensitive competitive and contractual information
41-1/2-1/6	1	Col A-E, 1-35	Grant 18 months extension	Sensitive competitive and contractual information
41-1/2-1/6	2	Col A-B, 1	Grant 18 months extension	Sensitive competitive and contractual information
41-1/2-1/6	3	Col A-E, 1-37	Grant 18 months extension	Sensitive competitive and contractual information
41-1/2-1/6	4	Col A-B, 1	Grant 18 months extension	Sensitive competitive and contractual information
41-1/2-1/6	5	Col A-E, 1-36	Grant 18 months extension	Sensitive competitive and contractual information
41-1/2-1/6	6	Col A-B, 1	Grant 18 months extension	Sensitive competitive and contractual information
41-1/2-1/6	7	Col A-E, 1-37	Grant 18 months extension	Sensitive competitive and contractual information
41-1/2-1/6	8	Col A-B, 1	Grant 18 months extension	Sensitive competitive and contractual information

Staff Work Paper	Page(s)	Line(s)	Action	Type of Information Classified Confidential
41-1/2-1/6-1	1	1-3	Grant 18 months extension	Sensitive competitive and contractual information
41-1/2-1/6-1	2	Col A-D, 5-21	Grant 18 months extension	Sensitive competitive and contractual information
41-1/2-2	1	1; Col A-D, 2-6; 7-11	Grant 18 months extension	Sensitive competitive and contractual information
41-1/2-3	1	1-14	Grant 18 months extension	Sensitive competitive and contractual information