

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery  
clause.

DOCKET NO. 040002-EG  
ORDER NO. PSC-04-0841-CFO-EG  
ISSUED: August 27, 2004

ORDER GRANTING REQUEST FOR EXTENSION OF CONFIDENTIAL  
CLASSIFICATION OF DOCUMENT NOS. 07733-02, 07953-02 and 11029-02

This Order addresses the continuation of confidential treatment for certain portions of staff's working papers prepared during the energy conservation cost recovery audit of Florida Power & Light Company (FPL) for the year ended December 31, 2001. By Order PSC-02-1493-CFO-EI the Commission initially granted confidential classification for the documents on October 31, 2002. On April 16, 2004, FPL requested that confidential treatment be extended for the information contained in Document Nos. 00733-02, 07953-02 and 11029-02, or that the documents be returned to FPL. Since audit materials of the type contained in these documents must be retained by the Commission for 25 years, the documents cannot be returned to FPL at this time.

FPL asserts that the information for which it seeks continued confidential status, consists of FPL's internal auditing controls and reports of internal auditors, FPL's business plans and strategy, and customer specific account information. The customer information includes customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, and bills. FPL asserts that it does not reveal customer specific account information unless authorized by the customer or required to do so by law, in order to protect the customers' competitive interests and right to privacy. FPL contends that the information for which it is requesting renewal of confidential classification is entitled to that classification pursuant to Section 366.093(3)(b), (d) and (e), Florida Statutes, as proprietary confidential business information owned or controlled by the company, the disclosure of which would impair the company's business operation or cause harm to its ratepayers. FPL claims that nothing has changed since the Commission issued its prior confidentiality order. The information is still of current value, and it has not been made public.

DOCUMENT NUMBER - DATE  
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Upon review, I find that the information is still entitled to confidential treatment as delineated in the table below.

Staff Work Paper Number	Page(s)	Line(s)	Grant an 18 Month Extension	Type of Information Classified Confidential
Documents 07733-02, 07953-02 and 11029-02				
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

Staff Work Paper Number	Page(s)	Line(s)	Grant an 18 Month Extension	Type of Information Classified Confidential
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
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

Staff Work Paper Number	Page(s)	Line(s)	Grant an 18 Month Extension	Type of Information Classified Confidential
43-7	1	Col J-K, 1	Grant	Sensitive competitive business information
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; Cols B-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	Cols 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

Staff Work Paper Number	Page(s)	Line(s)	Grant an 18 Month Extension	Type of Information Classified Confidential
44-7/1-1/1	2	Cols 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
44-7/1-1/1	3	Cols 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	Cols 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	Cols 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	Cols 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	Cols 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

Staff Work Paper Number	Page(s)	Line(s)	Grant an 18 Month Extension	Type of Information Classified Confidential
44-9/1-1/1	1	Cols 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
44-9/1-1/1	2	Cols 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	Cols 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	Cols 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	Cols 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	Cols 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

Staff Work Paper Number	Page(s)	Line(s)	Grant an 18 Month Extension	Type of Information Classified Confidential
44-9/1-1/1	7	Cols 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

Section 366.093(4), Florida Statutes, limits the duration of confidential classification or the extension of confidential classification to 18 months, unless there is good cause to extend the protection for a specified longer period. I find that confidentiality should be extended for 18 months. If necessary, FPL may request an additional extension at the appropriate time.


Based on the foregoing, it is

ORDERED by Commissioner Rudy Bradley, as Prehearing Officer, that the information described in the body of this Order and contained in Document Nos. 00733-02, 07953-02 and 11029-02 shall be granted an additional 18 months of 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 18 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 Rudolph "Rudy" Bradley, as Prehearing Officer, this 27th day of August, 2004

  
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RUDOLPH "RUDY" BRADLEY  
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 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.