

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery clause with generating performance incentive factor.

DOCKET NO. 040001-EI
ORDER NO. PSC-04-0927-CFO-EI
ISSUED: September 22, 2004

ORDER GRANTING CONFIDENTIAL CLASSIFICATION OF CERTAIN PORTIONS OF STAFF'S WORKING PAPERS IN AUDIT NO. 04-096-4-1, "FLORIDA POWER & LIGHT COMPANY FUEL COST RECOVERY CLAUSE AUDIT – MEDIUM PRIORITY ITEMS FOR THE YEAR ENDED DECEMBER 31, 2003"
(DOCUMENT NOS. 06511-04 AND 06981-04)

Florida Power & Light Company (FPL) requests confidential classification of certain portions of staff's working papers in Audit No. 04-096-4-1 (FPL Fuel Cost Recovery Clause Audit – Medium Priority Items for the Year ended December 31, 2003). FPL makes this request pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. This request for confidential classification was filed on June 24, 2004. The information for which FPL seeks confidential treatment is filed with the Commission as Document Nos. 06511-04 and 06981-04.

FPL requests that the following work papers be granted confidential classification:

Staff Work Paper Number	Description	Page(s)	Line(s)	Type of Information Classified Confidential
9	Notes from internal auditor's workpapers	1-11	All	Internal auditing controls and reports of internal auditors
9-1	List of all internal audits performed in 2003	1-2	All	Internal auditing controls and reports of internal auditors
10	Document record requests	3	12-20	Internal auditing controls and reports of internal auditors
44-1/1-1	Daily energy payment summary	1	Cols A,B,C; 1-37	Sensitive contractual and competitive business information
44-1/1-3	Daily energy payment summary	1	Cols A,B,C; 1-39	Sensitive contractual and competitive business information
45-1/1-1	Power deal lambda report	1	Cols C,H-N, 1-36	Sensitive contractual and competitive business information

DOCUMENT NUMBER-DATE

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FPCO-COMMISSION OF PUBLIC UTILITIES

Staff Work Paper Number	Description	Page(s)	Line(s)	Type of Information Classified Confidential
45-1/2	Payment coupon	1	1; Col A. 4,16,23	Sensitive contractual and competitive business information
45-1/2-1	Invoice	1	Cols C-F, 15-50	Sensitive contractual and competitive business information
45-1/2-1	Invoice	2-3	Cols C-F, 7-47	Sensitive contractual and competitive business information
46-1/1-1	ITS received schedule report	1	All	Sensitive contractual and competitive business information
47-1/1-1/1	Power deal lambda report	1	Cols C,H-I,K-N, 2-47	Sensitive contractual and competitive business information
47-1/1-1/1	Power deal lambda report	2	Cols C,H-N, 2-46	Sensitive contractual and competitive business information
47-1/1-1/1	Power deal lambda report	3	Cols C,H-I,K-N, 6-48	Sensitive contractual and competitive business information
47-1/1-1/1	Power deal lambda report	4	Cols C,H-I,K-N, 7-48; Col J. 8	Sensitive contractual and competitive business information
47-1/1-1/1	Power deal lambda report	5-7	Cols C,H-I,K-N, 2-47	Sensitive contractual and competitive business information
47-1/1-1/1	Power deal lambda report	8	Cols C,H-I,K-N, 2-48	Sensitive contractual and competitive business information
47-1/1-1/1	Power deal lambda report	9	Cols C,H-I,K-N, 2-41; Col J, 12	Sensitive contractual and competitive business information
47-1/1-2/1	Purchase statement	1	Cols C-F, 15-50	Sensitive contractual and competitive business information
47-1/1-2/1	Purchase statement	2	Cols C-F, 7-48	Sensitive contractual and competitive business information

Staff Work Paper Number	Description	Page(s)	Line(s)	Type of Information Classified Confidential
47-1/1-2/1	Purchase statement	3	Cols C-F, 6-49	Sensitive contractual and competitive business information
47-1/1-2/1	Purchase statement	4	Cols C-F, 7-27	Sensitive contractual and competitive business information
47-1/1-2/2	Invoice	1	Cols C-F, 15-20	Sensitive contractual and competitive business information
49-1/1	Monthly report of cost and quality of fuel oil for electric plants	1	Cols H-N,P-Q, 1-22	Sensitive contractual and competitive business information
49-1/1-1/2	Monthly report of cost and quality of fuel oil for electric plants	1	Cols H-NP-Q, 1-13	Sensitive contractual and competitive business information
52	Summary of hedging transactions	1	31	Sensitive contractual and competitive business information
52	Summary of hedging transactions	2	Col B, 8-10	Sensitive contractual and competitive business information
52-2	Hedging filing	1	Cols C-D, 1a-10a, 11-12; Cols E-F, 1a-10a	Sensitive contractual and competitive business information
52-2	Hedging filing	2	Cols C-D, 1a-10a, 12; Cols E-F, 1a-10a	Sensitive contractual and competitive business information
	Hedging filing	3	Cols C-D, 1a-10a, 11; Cols E-F, 1a-10a	Sensitive contractual and competitive business information
52-1/1	Hedging filing	1	Col B, 12-24; Cols C-F, 2-10a	Sensitive contractual and competitive business information

Staff Work Paper Number	Description	Page(s)	Line(s)	Type of Information Classified Confidential
52-1/1	Hedging filing	2-12	Cols C-F, 2-11	Sensitive contractual and competitive business information
52-2/1-1	Hedging filing	1	Cols, C-F, 2-11	Sensitive contractual and competitive business information
52-2/1-1/1	Calculation of gain summary	1	Col C, 11-28; Col D, 5-10,28; Col E, 28; 34	Sensitive contractual and competitive business information
52-2/1-1/1-1	EMT allocation of oil financial instruments	1	Col F, 21-26,59; Col G, 21-26,57; Col H, 9-18,21-26, 28-36,40-47,49-56, 58	Sensitive contractual and competitive business information
52-2/1-1/1-1/1	EMT allocation of oil financial instruments	1	Col F, 20-26; Col G, 20-26,54; Col H, 10-18, 20-26,28-36, 40-42,44,46-47, 49-53	Sensitive contractual and competitive business information
52-2/2	Hedging filing	1	Col B, 14-26; Cols C-F, 2-11	Sensitive contractual and competitive business information
52-2/2	Hedging filing	2-12	Cols C-F, 2-11	Sensitive contractual and competitive business information
52-2/2-1	Hedging filing	1	Cols C-F, 2-11	Sensitive contractual and competitive business information

Staff Work Paper Number	Description	Page(s)	Line(s)	Type of Information Classified Confidential
52-2/2-1/1	Swap deal entry	1	1,3; Col A, 11; Col B, 11,22; C-E, 7-18	Sensitive contractual and competitive business information
52-2/2-1/2	Calculation of gain/loss summary	1	Col D, 1c,1-25; Col C, 1-25	Sensitive contractual and competitive business information
52-2/3	Hedging filing	1	Col B, 14-26; Cols C-F, 2-11;	Sensitive contractual and competitive business information
52-2/3	Hedging filing	2-12	Cols C-F, 2-12	Sensitive contractual and competitive business information
52-2/3-1	Hedging filing	1	Cols C-F, 2-11	Sensitive contractual and competitive business information
52-2/3-1	Hedging filing	2	Col B, 10,26; Col D, 10,26; Col E, 10,12,14, 16,18,20,26,28; Col H, 26; Col L, 10,12,14, 16,18,20,26,28; Col M, 10,12,14, 16,18,20,26,28; Col N. 4	Sensitive contractual and competitive business information
52-2/3-1	Hedging filing	3	3-5,8-9,11-17, 22-23	Sensitive contractual and competitive business information
52-2/3-1	Hedging filing	4-5	All	Sensitive contractual and competitive business information

Staff Work Paper Number	Description	Page(s)	Line(s)	Type of Information Classified Confidential
52-2/3-1	Hedging filing	6	1,5,18,26; Col A, 29; Col B, 35; Col C-D, 28	Sensitive contractual and competitive business information
52-2/3-1	Hedging filing	7	Col A, 14; Col B, 15-17; Col C, 15-19; Col D, 15-17; Col E, 15-19	Sensitive contractual and competitive business information
52-2/3-1	Hedging filing	8	4-5,7,10-11,13-20, 25-26	Sensitive contractual and competitive business information
52-2/3-1	Hedging filing	9	Col B, 12-38	Sensitive contractual and competitive business information
52-2/3-1	Hedging filing	10	Col B, 6-30	Sensitive contractual and competitive business information
52-2/3-1	Hedging filing	11-19	All	Sensitive contractual and competitive business information
52-2/3-1	Hedging filing	20	Col A, 16,18,20; Col B, 16,18,20; Col C, 16,18,20, 25-27,43	Sensitive contractual and competitive business information
52-2/3-1	Hedging filing	21	Col A, 15-20; Col B, 15-18, 21-22; Col C, 15-18; Col D, 15-22	Sensitive contractual and competitive business information

Number	Description	Page(s)	Line(s)	Type of Information Classified Confidential
52-2/3-1	Hedging filing	22	Col B, 13-39	Sensitive contractual and competitive business information
52-2/3-1	Hedging filing	23	Col B, 6-30	Sensitive contractual and competitive business information
52-3/1	Example of fuel transaction process	1	1,3,7-18,22	Sensitive contractual and competitive business information
52-3/1	Example of fuel	2	Col B, 11,21,31; Col D, 11,21,31; Col E, 11,13,15, 17,21,23,25,27,31; Col G, 11,21,31; Col K, 11,21,31; Col M, 11,13,15, 17,21,23,25,27,31	Sensitive contractual and competitive business information

Staff Work Paper Number	Description	Page(s)	Line(s)	Type of Information Classified Confidential
52-3/1	Example of fuel transaction process	3	Col B, 19; Col D, 19; Col E, 5,7,9,11,13, 19,21,23,25,27,29; Cols G-H, 19; Col K, 19; Col L, 19,21,23,25, 27,29; Col M, 5,7,9,11,13, 17,19,21,23,25,27, 29	Sensitive contractual and competitive business information
52-3/1	Example of fuel transaction process	4	Col B, 5; Col D, 5; Col E, 5,7,9,11,13, 15,17,19,21-24; Col G, 5; Col K, 5; Col L, 17,19,21-24; Col M, 5,7,9,11,13, 15,17,19,21-24	Sensitive contractual and competitive business information

Staff Work Paper Number	Description	Page(s)	Line(s)	Type of Information Classified Confidential
52-3/1	Example of fuel transaction process	5	1; Col A, 4; Col B, 8,18; Col C, 26,29; Col D, 26,29,32; Col E, 25-26,28	Sensitive contractual and competitive business information
52-3/1	Example of fuel transaction process	6	4; Col C, 15-29; Col D, 15-29, 31-32; Col E, 15-29, 38-39; Col F, 15-29,31-32	Sensitive contractual and competitive business information
52-3/1	Example of fuel transaction process	7	Cols B-F, 14-21; Col G. 14-22	Sensitive contractual and competitive business information
52-3/1	Example of fuel transaction process	8	1; Col A, 4; Col B, 8,18,24; Cols C-D, 26,29	Sensitive contractual and competitive business information
52-3/1	Example of fuel transaction process	9	4; Col C, 15-18; Col D, 15-20; Col E, 15-18; Col F, 15-20	Sensitive contractual and competitive business information

Staff Work Paper Number	Description	Page(s)	Line(s)	Type of Information Classified Confidential
52-3/1	Example of fuel transaction process	10	Cols B-F, 14-15; Col G, 14-16	Sensitive contractual and competitive business information
52-3/1	Example of fuel transaction process	11	Col C, 2-35; Col D, 1; Cols E.I. 2-35	Sensitive contractual and competitive business information
52-3/1	Example of fuel transaction process	12	Col D, 3-4,8-9, 11-14,16-17; Col F, 12	Sensitive contractual and competitive business information
52-3/1	Example of fuel transaction process	13	Col A, 10-40, 46-53,64-66; Col B, 10-40,42, 46-53,55, 64-66; Col C, 10-40,42, 46-53,55,64-66; Col D, 10-40,42, 46-53,55,64-67, 71,72 Col E, 46-53,60, 64-66,68,71; Col F, 13,16,19,22, 27	Sensitive contractual and competitive business information

Staff Work Paper Number	Description	Page(s)	Line(s)	Type of Information Classified Confidential
52-3/1	Example of fuel transaction process	14	Cols A, 5-15, 17-28; Col C, 5-15,17-29 Col D, 5-15,17-28 Col E, 5-15,17-29	Sensitive contractual and competitive business information
52-3/1	Example of fuel transaction process	15	Cols C-D, 7-12, 14-18	Sensitive contractual and competitive business information
52-3/1	Example of fuel transaction process	16	Col A, 15-17, 46-66; Col B, 4-9,15-17, 46-66; Col C, 10,12,18, 20-28,31-42,46-66	Sensitive contractual and competitive business information
52-3/1	Example of fuel transaction process	17	Col B, 24,26-31; Col D, 6-20	Sensitive contractual and competitive business information
52-3/1	Example of fuel transaction process	18	59,61-63	Sensitive contractual and competitive business information
52-3/1	Example of fuel transaction process	19	Col J, 6-22,25-26; Col K, 13	Sensitive contractual and competitive business information
52-3/1	Example of fuel transaction process	20	Col F, 10-24, 26-28;	Sensitive contractual and competitive business information
52-3/1	Example of fuel transaction process	22	Col M, 14-35	Sensitive contractual and competitive business information
52-3/1	Example of fuel transaction process	23	Col M, 14-27	Sensitive contractual and competitive business information

Staff Work Paper Number	Description	Page(s)	Line(s)	Type of Information Classified Confidential
52-3/1	Example of fuel transaction process	24	Col L, 14-23; Col M, 14-27	Sensitive contractual and competitive business information
52-3/1	Example of fuel transaction process	25	Col L, 14-24; Col M, 14-28	Sensitive contractual and competitive business information
52-3/1	Example of fuel transaction process	26	Col M 14-47	Sensitive contractual and competitive business information
52-3/1	Example of fuel transaction process	27	Col L, 5-13,16; Col M, 5-17	Sensitive contractual and competitive business information
52-3/1	Example of fuel transaction process	28	Col L, 14-47 Col M, 14-48	Sensitive contractual and competitive business information
52-3/1	Example of fuel transaction process	29-33	Cols L,M, 5-53	Sensitive contractual and competitive business information
52-3/1	Example of fuel transaction process	34	Col L, 5-31 Col M, 5-36	Sensitive contractual and competitive business information
52-3/1	Example of fuel transaction process	35	Col L, 14-17,22,24; Col N, 14-21	Sensitive contractual and competitive business information
52-3/1	Example of fuel transaction process	36	Col C, 4-6,10; Col D, 4-6,8-10	Sensitive contractual and competitive business information
52-3/1	Example of fuel transaction process	39	Col M, 24 Col O, 24-25,35-36	Sensitive contractual information
52-3/1	Example of fuel transaction process	40	Col O, 5	Sensitive contractual and competitive business information
52-4	Energy marketing and trading	1-61	All	Sensitive Contractual Information

FPL asserts that portions of staff's working papers contain information pertaining to internal auditing reports and associated documents. FPL further asserts that portions of staff's working papers contain information pertaining to FPL's fuel and purchased power transactions

and the practices and procedures for such transactions. According to FPL, the disclosure of such information would inhibit FPL's ability to enter into power purchase transactions on favorable terms for the benefit of its customers in the future and would impair the competitive interests of FPL. FPL contends that certain information would place FPL at a disadvantage when coupled with other information that is publicly available.

FPL asserts that, pursuant to Section 366.093, Florida Statutes, such information is entitled to confidential classification and is exempt from the mandatory disclosure provisions of the public records law. FPL asserts that the sensitive contractual and competitive information, if disclosed, would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms. Section 366.093(3)(d), Florida Statutes. FPL also asserts that the information for which it seeks confidential classification relates "to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." Section 366.093(3)(e), Florida Statutes.

CONCLUSION

Upon review, it appears that the information discussed above is proprietary confidential business information and should be granted confidential treatment to avoid harm to the company and its ratepayers. Based on the foregoing, FPL's request for confidential treatment of Document Nos. 06511-04 and 06981-04 is granted.

Pursuant to Section 366.093(4), Florida Statutes, the information for which confidential classification is granted herein shall remain protected from disclosure for a period of 18 months from the date of issuance of this order. At the conclusion of the 18 month period, the confidential information will no longer be exempt from Section 119.07(1), Florida Statutes, unless FPL or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

It is therefore

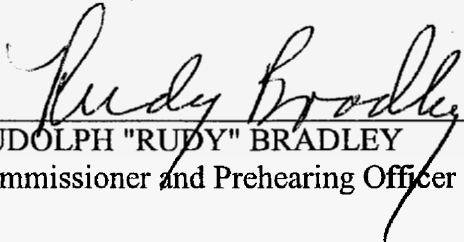
ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that the information described in Florida Power and Light Company's request for confidential treatment of certain portions of staff's working papers, Audit No. 04-096-4-1, Document Nos. 06511-04 and 06981-04, is granted confidential classification. It is further

ORDERED that the information described within the body of this Order shall be granted confidential treatment for 18 months from the date of this Order. It is further

ORDERED that this Order will be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

ORDER NO. PSC-04-0927-CFO-EI
DOCKET NO. 040001-EI
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By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this
22nd day of September, 2004



RUDOLPH "RUDY" BRADLEY
Commissioner and Prehearing Officer

(SEAL)

JAR

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; or (2) 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.