

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-04-1057-CFO-EI ISSUED: October 28, 2004
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ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION GRANTED BY ORDER NO. PSC-02-1437-CFO-EI OF CERTAIN PORTIONS OF STAFF WORKING PAPERS IN AUDIT NO. 02-044-4-1 (DOCUMENT NOS. 06362-02 AND 06955-02)

This Order addresses the continuation of confidential treatment for certain portions of staff's working papers prepared during the Florida Power & Light Company (FPL) Capacity Cost Recovery Clause Audit for the year ended December 31, 2001. By Order No. PSC-02-1437-CFO-EI the Commission initially granted confidential classification for the documents on October 21, 2002. On April 19, 2004, FPL requested that confidential treatment be extended for the information contained in Document Nos. 06362-02 and 06955-02. The documents were granted confidentiality for 18 months, and FPL now requests that confidentiality be extended for an additional 18 months. Confidential classification under Order No. PSC-02-1437-CFO-EI would have expired on April 21, 2004, but FPL's request for an extension was filed on April 19, 2004, so there was no lapse in confidential treatment.

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

Staff Work Paper Number	Description	Page(s)	Line(s)	Type of Information Classified Confidential
42-1/1-2	May Purchases/Sales	1-2	All	Sensitive competitive business information
42-1/4	July Estimated	1	Col E, 3-24	Sensitive competitive business information
42-1/4-1	July Estimated	1	All	Sensitive competitive business information
42-3	Accounting Handbook	1	Col C, 2-7; 8-37	Security measures, systems or procedures
42-3	Accounting Handbook	2	Col C, 2-7; 8-39	Security measures, systems or procedures
42-3	Accounting Handbook	3	Col C, 2-7; 8-28	Security measures, systems or procedures

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Staff Work Paper Number	Description	Page(s)	Line(s)	Type of Information Classified Confidential
43-1/1-1	May Estimate Backup	1	11-13; Col D, 15-21	Security measures, systems or procedures
43-1/2-1	April Estimate Backup	1	10-12; Col C, 13-20	Security measures, systems or procedures
43-1/2-2	April Estimate Backup	1	10-12; Col C, 14-21	Security measures, systems or procedures
43-2/1-1	July Estimate Backup	1	10-12; Col C, 14-21	Security measures, systems or procedures
43-2/2-1	June Estimate Backup	1	11-13; Col D, 15-22	Security measures, systems or procedures
43-2/2-2	June Actual Backup	1	11-13; Col C, 15-22	Security measures, systems or procedures
44-1/1	Transmission of Elect	1	Col A, 2,5-6; Col B-C, 7; Col E-F, 7; 13,15,21	Sensitive competitive business information
44-1/1-1	Transmission Cost	1	Col E, 13-31	Sensitive competitive business information
44-1/1-2	Transmission Cost	1	Col E, 12-29	Sensitive competitive business information
44-1/1-2/1	Transmission Cost	1	1,3-8	Sensitive competitive business information
44-1/1-2/2	Transmission Cost	1	Col K, 1-3	Sensitive competitive business information
44-1/1-2/2	Transmission Cost	2	Col L, 3-46	Sensitive competitive business information
44-1/1-3	Transmission Recap	1	All	Sensitive competitive business information

Staff Work Paper Number	Description	Page(s)	Line(s)	Type of Information Classified Confidential
44-2/1	Transmission of Elect	1	Col A, 2; 5,6; Col B-C, 7; Col E-F, 7; 13.15-21	Sensitive competitive business information
44-2/1-1	Transmission Cost	1	Col I, 3-24	Sensitive competitive business information
44-2/1-2	Transmission Cost	1	Col B, 11-29	Sensitive competitive business information
44-2/1-2/1	Transmission Cost	1	All	Sensitive competitive business information
45	Short Term Purchases	1	All	Sensitive competitive business information
45-1/1	Summary Report	1	Col B-C, 3-8; 9-70	Sensitive competitive business information
45-1/1	Summary Report	2	All	Sensitive competitive business information
45-1/1-1	Invoice Payment	1	1-2; Col A, 3; Col D, 6-8; 8-44	Sensitive competitive business information
45-1/1-1	Invoice Payment	2	3-25	Sensitive competitive business information
45-1/1-1/1	Transaction Agreement	1-9	All	Sensitive contractual information
45-1/1-2	Payment Invoice	1	All	Sensitive competitive business information
45-1/1-2	Payment Invoice	2	3-25	Sensitive competitive business information
45-1/1-2/1	Transaction Agreement	1-3	All	Sensitive contractual information

Staff Work Paper Number	Description	Page(s)	Line(s)	Type of Information Classified Confidential
45-2/1	Summary Report	1-2	All	Sensitive competitive business information
45-2/1-1	Payment Invoice	1	Col C-D, 4-7; 7-41	Sensitive competitive business information
45-2/1-2	Payment Invoice	1	All	Sensitive competitive business information
45-2/1-3	Purchase Statement	1	3-32	Sensitive competitive business information
	Purchase Statement	2	All	Sensitive competitive business information
45-2/1-3/1	Transaction Agreement	1	2-5,8-35	Sensitive competitive business information
45-2/1-3/1	Transaction Agreement			Sensitive competitive business information
45-2/2	August Transactions			Sensitive competitive business information

In its request, FPL states that the period of confidential classification granted by Order No. PSC-02-1437-CFO-EI will soon expire, and that all of the information covered by that Order warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093, Florida Statutes.

FPL maintains that the information for which an extension of confidential classification is requested is proprietary confidential business information relating to contracts and contractual data such as pricing and other terms, customer names, payment records, and contractor rates. FPL asserts that disclosure of this information would impair the efforts of FPL to contract for services on favorable terms and/or would impair the competitive interests of the providers of the information. FPL contends that this information also relates to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. FPL states that the information for which an extension of confidential classification is requested also contains sensitive, proprietary bank account information, the disclosure of which may cause harm to FPL's business operations. In addition, FPL states that the material is intended to be and is treated by FPL as private, and has not been disclosed. Nothing has changed since the issuance of Order No. PSC-02-1437-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate, according to FPL.

As a result, FPL requests that the information identified in the Revised Justification Table and Order No. PSC-02-1437-CFO-EI be accorded confidential classification for an additional 18

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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, it appears that the information discussed above continues to be proprietary confidential business information within the meaning of Section 366.093, Florida Statutes. Therefore, FPL's request for extension of confidential treatment of Document Nos. 06362-02 and 06955-02 is granted as set forth in the body of this Order.

Section 366.093(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 18 months, absent good cause shown. Accordingly, the information identified in Document Nos. 06362-02 and 06955-02 and described in the table above, shall be granted confidential classification for a period of 18 months from the issuance of this Order.

FPL also requests that the material be returned to the utility once the information is no longer needed by the Commission; however, audit reports and the related working papers are retained by the Commission for a period of 25 years. If FPL wishes to keep this information confidential after the additional 18 month period granted herein, FPL will need to seek another extension of time pursuant to Section 366.093, Florida Statutes.

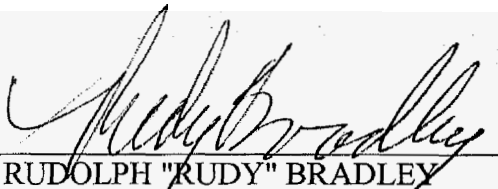
Based on the foregoing, it is

ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that the information described in the body of this Order and contained in Document Nos. 06362-02 and 06955-02 shall be granted confidential classification for a period of 18 months from the issuance 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.

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By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this  
28th day of October, 2004.



RUDOLPH "RUDY" BRADLEY  
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.