

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Request for confidential classification of material provided in Natural Gas Audit No. 00-353-4-1 by Florida Power & Light Company. | DOCKET NO. 010534-EI  
ORDER NO.PSC-05-0960-CFO-EI  
ISSUED: October 7, 2005

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S FIRST REQUEST  
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION FOR CERTAIN PORTIONS OF  
STAFF WORKING PAPERS IN AUDIT NO. 00-353-4-1  
(DOCUMENT NOS. 04265-01, 04266-01, 04267-01, 04268-01, 04269-01, 04270-01, 04806-01  
AND 07779-01)

This Order addresses Florida Power & Light Company's (FPL) request to extend confidential treatment for certain portions of staff's working papers prepared during the FPL Natural Gas Audit for the year ended December 31, 2000. The Commission initially granted confidential classification for the documents for 18 months by Order No. PSC-03-0158-CFO-EI, issued January 31, 2003. FPL filed its request to extend confidential treatment for the documents on June 30, 2004. The documents are currently held by the Commission's Division of the Commission Clerk and Administrative Services as confidential. FPL requests continued confidential treatment for all of the specific workpapers identified in Attachment A to Order PSC-03-0158-CFO-EI.

Pursuant to Section 119.07, Florida Statutes, documents submitted to the Commission are public records unless specifically exempted by statute. Section 366.093(3), Florida Statutes, provides for certain exemptions for proprietary business information, information which is intended to be and is treated as private. Proprietary business information includes, in pertinent part:

(b) Internal auditing controls and reports of internal auditors;

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(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 and 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;

FPL asserts that all of the information contained in the staff workpapers warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093, Florida Statutes. The information relates to FPL's natural gas purchasing practices and costs, including bids or other contractual data, pricing models, customer purchase prices and usage, and commodity and transmission pricing. FPL asserts that release of the information would impair the ability of FPL or its affiliates to purchase natural gas on reasonable terms in the future, or would impair the competitive business interests of FPL, its affiliates, or its

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customers. 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-03-0158-CFO-EI to render the information stale or public, so that continued confidential treatment would not be appropriate. Therefore, FPL requests that the information identified in Attachment A to Order No. PSC-03-0158-CFO-EI be accorded confidential classification for an additional 18 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. 04265-01, 04266-01, 04267-01, 04268-01, 04269-01, 04270-01, 04806-01 and 07779-01 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 the above referenced documents and described in detail in Attachment A to Order No. PSC-03-0158-CFO-EI 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 J. Terry Deason, as Prehearing Officer, that the information described in the body of this Order and contained in Document Nos. 04265-01, 04266-01, 04267-01, 04268-01, 04269-01, 04270-01, 04806-01 and 07779-01 shall be granted confidential classification for a period of 18 months from the issuance of this Order. It is further

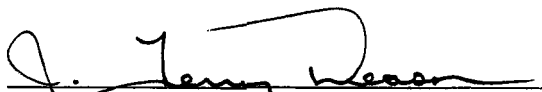
ORDERED that this Order will be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

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By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 7th day of October, 2005.

  
J. TERRY DEASON  
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.