

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Review of the retail rates of Florida  
Power & Light Company.

DOCKET NO. 001148-EI  
ORDER NO. PSC-05-1002-CFO-EI  
ISSUED: October 17, 2005

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION  
(DOCUMENT NOS. 03089-02, 03090-02, 03091-02, AND 03490-02)

As part of its review in this docket, Commission staff conducted a supplemental audit of Florida Power & Light Company's ("FPL") Minimum Filing Requirements ("MFRs") for the forecasted year ended December 2002 (Audit Control No. 02-029-4-1). At the audit exit conference for this supplemental audit, held March 6, 2002, FPL identified portions of staff's supplemental audit report and working papers as confidential and requested that these materials be temporarily exempted from public disclosure pursuant to Rule 25-22.006(3)(a)(2), Florida Administrative Code. On March 18, 2002, staff filed these materials, and they were assigned Document Nos. 03089-02, 03090-02, and 03091-02.

On March 27, 2002, FPL filed a request for confidential classification of specified portions of these documents pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. In accordance with the rule, FPL's request included a complete copy of the documents at issue with all sensitive information highlighted. This copy was assigned Document No. 03490-02.

Section 366.093(1), Florida Statutes, provides that "any records received by the commission which are shown and found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from [the Public Records Act]." Section 366.093(3), Florida Statutes, defines proprietary confidential business information as information which is owned or controlled by the company, is intended to be and is treated by the company as private in that disclosure of the information would cause harm to the company's ratepayers or its business operations, and has not been voluntarily disclosed to the public. Section 366.093(3), Florida Statutes, provides that proprietary confidential business information includes, but is not limited to, the following types of information: (a) trade secrets; (b) internal auditing controls and reports of internal auditors; (c) security measures, systems, or procedures; (d) information concerning bids or other contractual information, 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 information's provider, and (f) employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

In its request, FPL asserts that the information for which it seeks confidential classification is proprietary confidential business information as defined in Section 366.093(3), Florida Statutes. Pursuant to Rule 25-22.006, FPL provided a line-by-line justification to support

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its request, with references to the specific statutory basis or bases for its claim of confidentiality with regard to each document or portion thereof. Further, FPL filed affidavits of various personnel in support of its request. FPL states that the material for which it seeks confidential classification is intended to be and is treated by FPL as private and that its confidentiality has been maintained.

FPL asserts that the information for which it seeks confidential classification principally concerns bids or other contractual data (Section 366.093(3)(d)) or information relating to competitive interests (Section 366.093(3)(e)). FPL states that public disclosure of this information would provide its competitors an unfair advantage over FPL and would impair its efforts to enter into contracts on favorable terms. FPL further states that disclosure of pricing and other contractual terms could also impair the competitive business of FPL's customers. FPL asserts that the information for which it seeks confidential classification also consists of security measures, systems, or procedures (Section 366.093(3)(c)). In addition, FPL maintains that, as a public company, it prepares financial projections and other forward looking documents that are subject to rules adopted by the United States Securities and Exchange Commission ("SEC"), including rules on "Fair Disclosure" known as Regulation FD. FPL asserts that certain documents for which it seeks confidential classification are subject to this regulation.

Upon review, I find that the information for which FPL seeks confidential classification is proprietary confidential business information, as defined in Section 366.093(3), Florida Statutes, for the reasons identified by FPL. With respect to the materials subject to SEC Regulation FD, I find that disclosure of such information would cause harm to the company's ratepayers or its business operations. With respect to all other materials subject to FPL's request, as revised, I find that such materials fall under one or more of the categories of proprietary confidential business information set forth in Section 366.093(3)(c)-(e), Florida Statutes. A detailed listing of the information for which confidential classification is granted is set forth in Attachment A to this Order.

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.

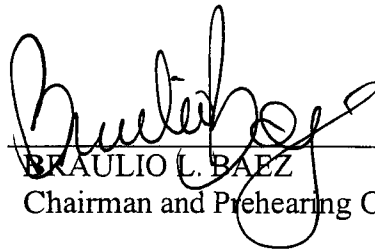
Based on the foregoing, it is

ORDERED by Chairman Braulio L. Baez, as Prehearing Officer, that Florida Power & Light Company's request for confidential classification of specified portions of Document Nos. 03089-02, 03090-02, 03091-02, and 03490-02 is granted. It is further

ORDERED that the information in Document Nos. 03089-02, 03090-02, 03091-02, and 03490-02 for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. It is further

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

By ORDER of Chairman Braulio L. Baez, as Prehearing Officer, this 17th day of October, 2005.

  
BRAULIO L. BAEZ  
Chairman and Prehearing Officer

(SEAL)

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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; 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.

Staff Work Paper Number	Page(s)	Line(s)	Type of Information Classified Confidential
<b>Documents 03089-02 and 03490-02</b>			
WP 1 Report	1	38	Sensitive Competitive Business Information
WP 1 Report	2	1-5	Sensitive Competitive Business Information
WP 1 Report (Annotated)	1	38	Sensitive Competitive Business Information
WP 1 Report (Annotated)	2	1-5	Sensitive Competitive Business Information
43-1/2-1/1	1-10	All	Sensitive Information concerning Security Measures, Systems or Procedures
47-7/1-4	1	Line 9, Cols A,F	Sensitive Competitive Business Information
47-7/1-4/1	1	18	Sensitive Competitive Business Information
		Cols. C-F	Sensitive Proprietary Confidential Business Information
47-7/1-4/2	1-3	Cols. F-G	Sensitive Proprietary Confidential Business Information
47-7/1-4/2	4	Cols. E-G	Sensitive Proprietary Confidential Business Information
47-7/1-4/4	3	47-51	Sensitive Competitive Business Information

Staff Work Paper Number	Page(s)	Line(s)	Type of Information Classified Confidential
47-7/1-4/4	4	1-15	Sensitive Competitive Business Information
47-7/1-5	1	9-20, Cols. H-L	Sensitive Competitive Business Information
47-7/1-5	2-3	9-10, Cols. H-L	Sensitive Competitive Business Information
47-7/1-5	4	10-30, Cols H-L	Sensitive Competitive Business Information
47-7/1-5	5	9-31, Cols H-L	Sensitive Competitive Business Information
47-7/1-5	6	9-29, Cols H-L	Sensitive Competitive Business Information
47-7/1-5	7	10-40, Cols H-L	Sensitive Competitive Business Information
47-7/1-5	8	10-26, Cols H-L	Sensitive Competitive Business Information
47-7/1-5	9	11-31, cols H-L	Sensitive Competitive Business Information
47-7/1-5	10	10-30, Cols H-L	Sensitive Competitive Business Information
47-7/1-5	11	10-29, Cols H-L	Sensitive Competitive Business Information
47-7/1-5	12	11-31, Cols H-L	Sensitive Competitive Business Information
47-7/1-5	13	10, Cols H-L	Sensitive Competitive Business Information
Documents 03090-02 and 03490-02			
47-7/1-6	1	9-10, Cols H-L	Sensitive Competitive Business Information

<b>Staff Work Paper Number</b>	<b>Page(s)</b>	<b>Line(s)</b>	<b>Type of Information Classified Confidential</b>
47-7/1-6	2	11-13, Cols H-L	Sensitive Competitive Business Information
47-7/1-6	3	11, Cols H-L	Sensitive Competitive Business Information
47-7/1-6	4	11,13, Cols H-L	Sensitive Competitive Business Information
47-7/1-6	5	10-11, Cols. H-L	Sensitive Competitive Business Information
47-7/1-6	6	10-13, Cols H-L	Sensitive Competitive Business Information
47-7/1-6	7	9-29, Cols H-L	Sensitive Competitive Business Information
47-7/1-6	8	9-35, Cols H-L	Sensitive Competitive Business Information
47-7/1-6	9	9-31, Cols H-L	Sensitive Competitive Business Information
47-7/1-6	10	9-28, Cols H-L	Sensitive Competitive Business Information
47-7/1-6	11	9-21, Cols H-L	Sensitive Competitive Business Information
47-7/1-6	12	9, Cols H-L	Sensitive Competitive Business Information
47-7/1-7	1	9-22, Cols H-L	Sensitive Competitive Business Information
47-7/1-7	2	9, Cols H-L	Sensitive Competitive Business Information
47-7/1-7	3	9-30, Cols H-L	Sensitive Competitive Business Information

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47-7/1-7	4	9-29, Cols H-L	Sensitive Competitive Business Information
47-7/1-7	5	9-31, Cols H-L	Sensitive Competitive Business Information
47-7/1-7	6-7	9-29, Cols H-L	Sensitive Competitive Business Information
47-7/1-7	8	9-21, Cols H-L	Sensitive Competitive Business Information
47-7/1-7	9	9-30, Cols H-L	Sensitive Competitive Business Information
47-7/1-7	10	9-26, Cols H-L	Sensitive Competitive Business Information
47-7/1-7	11	9, Cols H-L	Sensitive Competitive Business Information
47-7/2-1	1	43-50	Sensitive Competitive Business Information
47-7/2-1	2	8-43	Sensitive Competitive Business Information
47-7/2-1	3	8-9	Sensitive Competitive Business Information
47-7/2-2	1	40-46	Sensitive Competitive Business Information
47-7/2-2	2	7-19	Sensitive Competitive Business Information
47-7/2-5	1	39-48	Sensitive Competitive Business Information
47-7/2-5	2	8-46	Sensitive Competitive Business Information



Staff Work Paper Number	Page(s)	Line(s)	Type of Information Classified Confidential
47-7/2-5	3	8-17	Sensitive Competitive Business Information
47-7/2-6	1	39-40	Sensitive Competitive Business Information
47-7/2-6	2	Cols B-D	Sensitive Competitive Business Information
47-7/2-6	3	Cols B-D	Sensitive Competitive Business Information
47-7/2-12	2	16-17, Col B; 21-26, Col F	Sensitive Competitive Business Information
47-7/2-12	3	15, Col A	Sensitive Competitive Business Information
47-7/2-13	1	32-35	Sensitive Competitive Business Information
47-7/2-13	2	6-9; Col B	Sensitive Competitive Business Information
47-7/2-13	3	Col B	Sensitive Competitive Business Information
47-7/3-1/3	1	Col I,H	Sensitive Proprietary Confidential Business Information
47-7/5-1	1	Col G-H	Sensitive Proprietary Confidential Business Information
47-7/5-2	1	Col G-H	Sensitive Proprietary Confidential Business Information

Staff Work Paper Number	Page(s)	Line(s)	Type of Information Classified Confidential
47-7/5-3	1	Col C-D	Sensitive Proprietary Confidential Business Information
47-8/1-8	1	Cols N-O	Sensitive Proprietary Confidential Business Information
47-8/2-1	1-2	1-24, Col B	Sensitive Contractual Business Information
47-8/2-1	3	1-12, Col B	Sensitive Contractual Business Information
47-9/3	1	5-8; Cols E-J	Sensitive Proprietary Confidential Business Information
47-9/4	1	Cols N-O	Sensitive Proprietary Confidential Business Information
<b>Document 03091-02 and 03490-02</b>			
49-1/1-1/1-1	1	7-9,13-14	Sensitive Competitive Business Information
49-1/1-1/1-2	1	7-9,13-14	Sensitive Competitive Business Information
49-1/1-1/1-3	1	7-9,13-14	Sensitive Competitive Business Information
49-7	6	17,19,21-23, Cols E,H	Sensitive Competitive Business Information
49-7	7	6,8,10-11,21-22, 24-25,27-29, Cols E,H	Sensitive Competitive Business Information
49-7	8	16-17,19-20, 22-24,34, Cols E,H	Sensitive Competitive Business Information

Staff Work Paper Number	Page(s)	Line(s)	Type of Information Classified Confidential
49-7	9	5,7-8,10-12,22,24, 26-28, Cols E,H	Sensitive Competitive Business Information
49-7	10	16,18,20-22,32, Cols E,H	Sensitive Competitive Business Information
49-7	11	5,6-8,21,23,25-27, Cols E,H	Sensitive Competitive Business Information
49-7	12	16,18,20-22,32, Cols E,H	Sensitive Competitive Business Information
49-7	13	5,7-9,19,21,23-25, Cols E,H	Sensitive Competitive Business Information
50	1	33-37	Sensitive Competitive Business Information
50-1/1	1	14	Sensitive Competitive Business Information
50-1/1-1	1	11-27; Col A	Sensitive Competitive Business Information
50-1/2	1	3-4,7-9	Sensitive Competitive Business Information
50-1/2-1	1	3	Sensitive Competitive Business Information
		6-18	Sensitive Proprietary Confidential Business Information
		21	Sensitive Competitive Business Information
		24-36	Sensitive Proprietary Confidential Business Information

Staff Work Paper Number	Page(s)	Line(s)	Type of Information Classified Confidential
50-1/4	1	Cols B-C	Sensitive Contractual and Competitive Business Information
50-1/4-3	1-26	All	Sensitive Contractual Information
50-1/5	1	Cols C-D	Sensitive Contractual and Competitive Business Information
50-1/5-1	1-2	All	Sensitive Contractual and Competitive Business Information
50-1/5-2	1-2	All	Sensitive Contractual and Competitive Business Information
50-1/5-3	7	Col B	Sensitive Competitive Business Information
50-1/5-4	1	Cols C-D	Sensitive Contractual and Competitive Business Information
50-1/6	1	5-12, Cols B-C; 14-18, Cols B-C; 20-23, Col B; 25, Col B; 26, Col B-C; 30-31, Col B-C	Sensitive Competitive Business Information
50-1/6-1	1	Cols B-C	Sensitive Competitive Business Information
50-1/6-2	1-3	All	Sensitive Contractual Information

Staff Work Paper Number	Page(s)	Line(s)	Type of Information Classified Confidential
50-1/7	1-10	All	Sensitive Contractual Information
50-4	2	14	Sensitive Competitive Business Information