

BEFORE THE PUBLIC SERVICE COMMISSION

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

DOCKET NO. 060001-EI
ORDER NO. PSC-06-0638-CFO-EI
ISSUED: July 28, 2006

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S FIRST REQUEST
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF CERTAIN PORTIONS OF
STAFF'S AUDIT REPORT AND WORKING PAPERS IN AUDIT NO. 04-096-4-1
(DOCUMENT NOS. 06511-04 AND 06981-04)

This Order addresses the continuation of confidential treatment for certain portions of staff's working papers prepared during the Florida Power & Light Company (FPL) Fuel Cost Recovery Clause Audit for the year ended December 31, 2003. By Order No. PSC-04-0927-CFO-EI the Commission initially granted confidential classification for portions of the documents on September 22, 2004. On March 22, 2006, FPL requested that confidential treatment be extended for an additional 18 months for the redacted information contained in Document Nos. 06511-04 and 06981-04.

In its request, FPL states that the period of confidential classification granted by Order No. PSC-04-0927-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 asserts that the portions of staff's working papers which were the subject of Order No. PSC-04-0927-CFO-EI contain information pertaining to internal auditing reports and associated documents. FPL further asserts that said 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 disclosure of certain information would place FPL at a disadvantage when coupled with other information that is publicly available. Thus, FPL requests that the information identified in Order No. PSC-04-0927-CFO-EI be accorded confidential classification for an additional 18 month period.

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. The information consists of "internal auditing controls and the reports of internal auditors" or "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 or services on favorable terms" or "information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider of the information." The information has not gone stale or become part of public information. Therefore, FPL's request for extension of confidential

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treatment of the redacted portions of Document Nos. 06511-04 and 06981-04 is granted as set forth in the body of this Order.

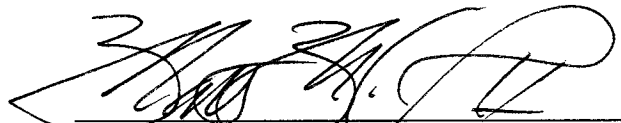
Section 366.093(4), Florida Statutes, provides that any finding by the Commission that records contain proprietary confidential business information may be effective for an additional period of 18 months with good cause shown. FPL has demonstrated that good cause exists for the Commission to extend the confidential treatment of the redacted portions of Document Nos. 06511-04 and 06981-04 as previously granted in Order No. PSC-04-0927-CFO-EI. Accordingly, the information identified in Document Nos. 06511-04 and 06981-04, shall be granted confidential classification for a period of 18 months from the issuance of this Order.

Based on the foregoing, it is

ORDERED by Commissioner Matthew M. Carter II, as Prehearing Officer, that the information described in the body of this Order and contained in Document Nos. 06511-04 and 06981-04 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.

By ORDER of Commissioner Matthew M. Carter II, as Prehearing Officer, this 28th day of July, 2006.


MATTHEW M. CARTER II
Commissioner and Prehearing Officer

(S E A L)

LCB/pz

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.