

BEFORE THE PUBLIC SERVICE COMMISSION

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

DOCKET NO. 070001-EI  
ORDER NO. PSC-07-0104-CFO-EI  
ISSUED: February 6, 2007

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S  
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION  
GRANTED BY ORDER NO. PSC-04-1060-CFO-EI  
(DOCUMENT NOS. 07270-04, 07271-04, 07272-04, and 07442-04)

This Order addresses the continuation of confidential treatment for certain portions of staff's working papers prepared during Florida Power & Light Company's ("FPL") Fuel Cost Recovery Clause Audit for the year ended December 31, 2003. By Order No. PSC-04-1060-CFO-EI, issued October 28, 2004, the Commission initially granted confidential classification for portions of the documents. On April 28, 2006, in Docket No. 060001-EI, FPL requested that confidential treatment be extended for an additional 18 months for the redacted information contained in Document Nos. 07270-04, 07271-04, 07272-04, and 07442-04.

In its request, FPL states that the period of confidential classification granted by Order No. PSC-04-1060-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-04-1060-CFO-EI contain information pertaining to security measures and negotiated agreements for the protection of FPL facilities. According to FPL, the disclosure of this information would reveal certain security measures, systems, or procedures to the detriment of FPL and its customers. FPL further asserts that portions of staff's working papers contain information pertaining to contractual data such as pricing and other terms, payment records, and vendor and supplier rates. According to FPL, the disclosure of this information would impair the efforts of FPL to contract for goods and services on favorable terms for the benefit of its customers. FPL contends that portions of staff's working papers contain commercially sensitive data, the disclosure of which would impair the competitive interests of FPL and its vendors. FPL states that certain information contained in staff's working papers reveals customer-specific account information, including bank account numbers. FPL further contends that it is the company policy not to disclose customer-specific information. FPL asserts that disclosure of this 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-04-1060-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

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“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 treatment of the redacted portions of Document Nos. 07270-04, 07271-04, 07272-04, and 07442-04 is granted as set forth in the body of this Order.

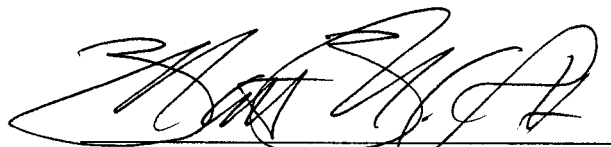
Section 366.093(4), Florida Statutes, provides that any finding by the Commission that records contain proprietary confidential business information may be effective for an additional period of 18 months with good cause shown. FPL has demonstrated that good cause exists for the Commission to extend the confidential treatment of the redacted portions of Document Nos. 07270-04, 07271-04, 07272-04, and 07442-04 as previously granted in Order No. 04-1060-CFO-EI. Accordingly, the information identified in Document Nos. 07270-04, 07271-04, 07272-04, and 07442-04, 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. 07270-04, 07271-04, 07272-04, and 07442-04 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 6th day of February, 2007.



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.