

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-07-0908-CFO-EI ISSUED: November 9, 2007
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ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S  
SECOND REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION  
GRANTED BY ORDER NO. PSC-04-1057-CFO-EI  
(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 Florida Power & Light Company's ("FPL") Capacity Cost Recovery Clause Audit for the year ended December 31, 2001. By Order No. PSC-02-1437-CFO-EI, issued October 21, 2002, the Commission initially granted confidential classification for portions of the documents. On April 19, 2004, FPL filed a first request for extension of confidential classification which was granted by Order No. PSC-04-1057-CFO-EI, issued October 28, 2004. 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. 06362-02 and 06955-02.

In its request, FPL states that the period of confidential classification granted by Order No. PSC-04-1057-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. In a previous decision, the Commission granted a 5 year confidential classification period to commercial information which remained sensitive over an extended time period. See Order No. PSC-94-1224-CFO-EI, issued October 6, 1994, in Docket No. 940001-EI. Likewise, FPL requests extended treatment of the confidential information.

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
Documents 06362-02 and 06955-02				
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

DOCUMENT NUMBER-DATE

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Staff Work Paper Number	Description	Page(s)	Line(s)	Type of Information Classified Confidential
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
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
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

Staff Work Paper Number	Description	Page(s)	Line(s)	Type of Information Classified Confidential
45-2/1-3	Purchase Statement	1	3-32	Sensitive competitive business information
45-2/1-3	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	2	All	Sensitive competitive business information
45-2/2	August Transactions	1	All	Sensitive competitive business information

FPL witness Yupp, Director of Wholesale Operations, identifies sensitive contractual information as contained within the PSC staff audit working papers entitled "Transaction Agreement." FPL asserts 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 also asserts that the information contains sensitive proprietary bank account information, the disclosure of which may cause harm to FPL's business operations. FPL reports this information remains sensitive.

FPL witness Yupp further testifies that certain sensitive information concerning competitive interests is reported in staff working papers entitled: "May Purchases/Sales," July Estimated," "Transmission of Elect," Transmission Cost," "Transmission Recap," "Short Term Purchases," "Summary Report," "Payment Invoice," "Purchase Statement," and "August Transactions." FPL asserts that disclosure of this sensitive information would harm the competitive business of the provider of the information.

FPL contends that the information contained in staff work papers entitled "Accounting Handbook" contain sensitive procedures of FPL. Witness Lom, Supervisor of Purchased Power Contracts, testified that certain of FPL's sensitive internal procedures are reported within staff's working papers entitled: "May Estimate [supporting documents] Backup," "April Estimate Backup," "April Actual Backup," "July Estimated Backup," "June Estimate Backup," and "June Actual Backup."

The detailed information gathered by the staff auditors pertains to payment of certain fees and charges called capacity costs. These monies are paid to reserve energy sources as available to FPL. Additionally, the sensitive information also contains information about FPL's security measures and procedures that control and guide these energy capacity purchases.

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, as described in the table above, shall be granted confidential classification for a period of 18 months from the issuance of this Order.

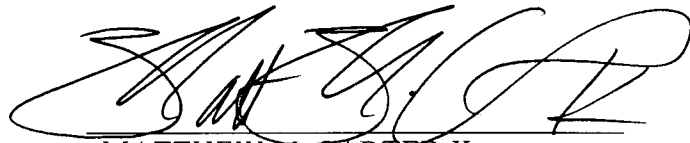
FPL also requests that the material be returned to the utility once the information is no longer needed by the Commission. However, audit reports and the related working papers are retained by the Commission for a period of 25 years. If FPL wishes to keep this information confidential after the additional 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 Matthew M. Carter II, 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.

By ORDER of Commissioner Matthew M. Carter II, as Prehearing Officer, this 9th day of November, 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 Commission Clerk, Office of Commission Clerk, 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.