

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidential classification of materials provided in connection with FPL Connect Service Audit, RCA 05-285-4-1, by Florida Power & Light Company.	DOCKET NO. 060224-EI ORDER NO. PSC-08-0515-CFO-EI ISSUED: August 12, 2008
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ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION

On November 27, 2006, the Commission issued Order No. PSC-06-0978-CFO-EI granting Florida Power & Light Company's (FPL) request for confidential classification of sensitive materials contained within documents 01604-06, 01605-06, 02151-06 and 04185-06. These materials, which included portions of staff's audit report and working papers prepared during the "Florida Power & Light Service Connect Process Audit for the Year Ended December 31, 2004," were accorded confidential classification for a period of 18 months. On May 16, 2008, FPL requested that the confidential classification period granted by Commission Order No. PSC-06-0978-CFO-EI be extended for an additional 18 months.

Documents submitted to governmental agencies in Florida are public records. The only exceptions are the specific statutory exemptions provided in the law and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. This is based on the concept that government should operate in the "sunshine."

Rule 25-22.006(4), F.A.C., provides that it is the company's burden to demonstrate that the documents fall into one of the statutory examples set out in Section 366.093, Florida Statutes, or to demonstrate that the information is proprietary confidential information, the disclosure of which will cause the company or its ratepayers harm.

Section 366.093(3), Florida Statutes, provides the following definition for proprietary confidential business information:

Proprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. The term includes, but is not limited to [in pertinent part] . . . e) information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. . . .

DOCUMENT NUMBER-DATE

07123 AUG 12 08

FPSC-COMMISSION CLERK

Rule 25-22.006(4)(c), F.A.C., requires that the company demonstrate by a line-by-line or field-by-field justification how the information asserted to be confidential qualifies as one of the statutory examples listed in Section 366.093(3), Florida Statutes. As set out in the attached chart, Attachment I, the materials for which confidential classification has been requested meet the requirements for exemption based on the applicable statutory category.

Section 366.093(3)(e), Florida Statutes, provides that confidential classification may be given to information relating to competitive interests which, if disclosed, would impair the competitive business of the provider of the information. According to FPL, the material at issue has been protected from disclosure, as required for confidential classification. FPL's request that the material be granted confidential classification for an additional 18 months is consistent with the policy articulated in Order No. PSC-94-1224-CFO-EI to the effect that sensitive commercial materials can be treated as confidential for more than 18 months when the material is sensitive for an extended period. In the instant case, the currently sensitive material pertains to an audit of 2004 information; therefore, FPL's request for an 18 month extension of the confidential classification period is granted.

Based on the foregoing, it is


ORDERED by Chairman Mathew M. Carter II as Prehearing Officer that Florida Power & Light Company's Request for Confidential Classification for Document Nos. 01604-06, 01605-06, 02151-06 and 04185-06 is granted as indicated by the chart in Attachment I. It is further

ORDERED that pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 366.093. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period. It is further

ORDERED that this docket be closed.

By ORDER of Chairman Matthew M. Carter II, as Prehearing Officer, this 11th day of August, 2008.



MATTHEW M. CARTER II  
Chairman and Prehearing Officer

( S E A L )

RCB

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 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.

**Detailed Recommendation, as Found**

Staff Work Paper Number	Description	Page(s)	Line(s)	Disposition 18-Month Extension	Type of Information Classified Confidential
Documents 01605-06, 02151-06 and 04185-06					
Audit Report	Audit Finding No. 1	4	25	Grant	Sensitive Competitive Business information
Audit Report	Audit Finding No. 4	8	26	Grant	Sensitive Competitive Business information
Audit Report	Audit Finding No. 5	11	2-3	Grant	Sensitive Competitive Business information
Documents 01604-06, 02151-06 and 04185-06					
Annotated Audit Report	Audit Finding No. 1	4	25	Grant	Sensitive Competitive Business information
Annotated Audit Report	Audit Finding No. 4	8	26	Grant	Sensitive Competitive Business information
Annotated Audit Report	Audit Finding No. 5	11	2-3	Grant	Sensitive Competitive Business information
5B	Meeting on Clarification of the Cost Allocation, Worksheets Provided	1	1,14	Grant	Sensitive Competitive Business information
5B	Meeting on Clarification of the Cost Allocation, Worksheets Provided	2	9	Grant	Sensitive Competitive Business information
25	Notes on Observation of FPLES Representative	2	23,25-29	Grant	Sensitive Competitive Business information
25	Notes on Observation of FPLES Representative	3	5,7-11,14	Grant	Sensitive Competitive Business information
25	Notes on Observation of FPLES Representative	4	3-5,7,9-10, 16,18	Grant	Sensitive Competitive Business information
25	Notes on Observation of FPLES Representative	5	4,10,12-14, 19-21,24,28	Grant	Sensitive Competitive Business information
25	Notes on Observation of FPLES Representative	6	2-3	Grant	Sensitive Competitive Business information
Documents 01604-06, 02151-06 and 04185-06					
25A	Print Screen of Vapors	1	1-20, except Connect Service Business Partners Named on Lines 12-18	Grant	Sensitive Competitive Business information
28	Summary of FPL Representative Training	2	12,19-22	Grant	Sensitive Competitive Business information

Staff Work Paper Number	Description	Page(s)	Line(s)	Disposition 18-Month Extension	Type of Information Classified Confidential
29	Script Used by FPLES to offer Services	1	10-11	Grant	Sensitive Competitive Business information
29-1	Audit Finding #1	1	14-15,26-28	Grant	Sensitive Competitive Business information
42-2	FPLES Connect Service Providers	1	18	Grant	Sensitive Competitive Business information
42-3	Explanation of FPLES Connect Services	1	20-21	Grant	Sensitive Competitive Business information
42-7	Types of Calls Transferred	1	13	Grant	Sensitive Competitive Business information
42-8	Customer Information Transferred	1	13-17	Grant	Sensitive Competitive Business information
43	Summary of Cost Allocation and Audit Findings	1	8-22,24-25, 27-28,35	Grant	Sensitive Competitive Business information
43	Summary of Cost Allocation and Audit Findings	2	6-7,12,23-25	Grant	Sensitive Competitive Business information
43	Summary of Cost Allocation and Audit Findings	4	1-2,5-6,9-11,13-15, 17,21-23,25-26, 30-31	Grant	Sensitive Competitive Business information
43	Summary of Cost Allocation and Audit Findings	5	2-3	Grant	Sensitive Competitive Business information
43	Summary of Cost Allocation and Audit Findings	6	6	Grant	Sensitive Competitive Business information
43-1	Cost Allocation	1	18-19,21,24,27, 32-33,36	Grant	Sensitive Competitive Business information
43-1	Cost Allocation	2	33-35, Col. H	Grant	Sensitive Competitive Business information
43-1	Cost Allocation	4	2-10,12-19,22-31,34-35	Grant	Sensitive Competitive Business information
43-1	Cost Allocation	5	5,18,31,44,57	Grant	Sensitive Competitive Business information
43-1	Cost Allocation	6	12,25	Grant	Sensitive Competitive Business information
43-1	Cost Allocation	9	33-35	Grant	Sensitive Competitive Business information
43-1	Cost Allocation	11	32-34	Grant	Sensitive Competitive Business information
44, p. 2	Bill Insert	1	20	Grant	Sensitive Competitive Business information
44-17	Bill Insert Cost	1	1-33,35-37	Grant	Sensitive Competitive Business information
44-19	Bill Insert Information	1	18,20	Grant	Sensitive Competitive Business information
Documents 01604-06, 02151-06 and 04185-06					
44-19	Bill Insert Information	2	8-9	Grant	Sensitive Competitive Business information

Staff Work Paper Number	Description	Page(s)	Line(s)	Disposition 18-Month Extension	Type of Information Classified Confidential
44-21	Bill Stuffers Information	1	18-23	Grant	Sensitive Competitive Business information
44-24	FPL Revenues	1	7,11,16-21	Grant	Sensitive Competitive Business information
44-24	FPL Revenues	2	13-15 Col. N; 17-23 Cols. S&T	Grant	Sensitive Competitive Business information
44-24	FPL Revenues	4	17; 27, Col. N	Grant	Sensitive Competitive Business information
44-24	FPL Revenues	5	17, Col. N	Grant	Sensitive Competitive Business information
44-24	FPL Revenues	6	14-16, Col. N	Grant	Sensitive Competitive Business information
46	Total Revenues Received by FPLES Related to Service Connect Calls	1	19,21	Grant	Sensitive Competitive Business information
46-1	Gas Service Revenues	1	15-22, Col. C	Grant	Sensitive Competitive Business information
46-1	Gas Service Revenues	2-3	All	Grant	Sensitive Competitive Business information
46-1	Gas Service Revenues	5	15-21, Col. C	Grant	Sensitive Competitive Business information
46-1	Gas Service Revenues	6-7	All	Grant	Sensitive Competitive Business information
46-2	Cash Receipts Received on Behalf of FPLES	1	15-19, Col. C; 20-22	Grant	Sensitive Competitive Business information
46-2	Cash Receipts Received on Behalf of FPLES	4	5,11,17,22,28, Col. B; 5-33, Cols. D-F	Grant	Sensitive Competitive Business information
46-2	Cash Receipts Received on Behalf of FPLES	5	5,11,16,24,29, Col. B; 5-34, Cols. D-F	Grant	Sensitive Competitive Business information
46-2	Cash Receipts Received on Behalf of FPLES	6	5,10,16, Col B; 5-22, Cols. D-F	Grant	Sensitive Competitive Business information
46-2	Cash Receipts Received on Behalf of FPLES	7	5,10,16,21,26,34, Col. B; 5-34 Cols. D-F	Grant	Sensitive Competitive Business information
46-2	Cash Receipts Received on Behalf of FPLES	8	9-14,19,25,31, Col. B; 5-32, Cols. D-F	Grant	Sensitive Competitive Business information
46-2	Cash Receipts Received on Behalf of FPLES	9	8,13,18,23,28,33, Col B. ; 5-33, Cols D-F	Grant	Sensitive Competitive Business information

Staff Work Paper Number	Description	Page(s)	Line(s)	Disposition 18-Month Extension	Type of Information Classified Confidential
Documents 01604-06, 02151-06 and 04185-06					
46-2	Cash Receipts Received on Behalf of FPLES	10	9,17,22,28,34, Col. B; 5-34, Cols. D-F	Grant	Sensitive Competitive Business information
46-2	Cash Receipts Received on Behalf of FPLES	11	10,15,20,25,30, Col. B; 5-33, Cols. D-F	Grant	Sensitive Competitive Business information
46-2	Cash Receipts Received on Behalf of FPLES	12	7,14,20,25,34, Col. B; 5-34, Cols. D-F	Grant	Sensitive Competitive Business information
46-2	Cash Receipts Received on Behalf of FPLES	13	9,14,19,27,33, Col. B; 5-33, Cols. D-F	Grant	Sensitive Competitive Business information
46-2	Cash Receipts Received on Behalf of FPLES	14	9,17,22,30, Col. B; 5-35, Cols. D-F	Grant	Sensitive Competitive Business information
46-2	Cash Receipts Received on Behalf of FPLES	15	5,11,17,22,27, Col. B. 5-34, Cols. D-G	Grant	Sensitive Competitive Business information
46-2	Cash Receipts Received on Behalf of FPLES	16	6,11,17,23,29, Col. B; 5-32, Cols. D-F	Grant	Sensitive Competitive Business information
46-2	Cash Receipts Received on Behalf of FPLES	17	6,11,18,23,28,33, Col. B; 5-33, Cols. D-F	Grant	Sensitive Competitive Business information
46-2	Cash Receipts Received on Behalf of FPLES	18	9,14,19,24,29, Col. B; 5-34, Cols. D-F	Grant	Sensitive Competitive Business information
46-2	Cash Receipts Received on Behalf of FPLES	19	31,36, Col. B; 5-43, Cols. D-F	Grant	Sensitive Competitive Business information
46-3	Transfer Cash Collected at FPL for VAPS to Inter-Company Payable Account to FPLES	1	16-25, Col. C	Grant	Sensitive Competitive Business information
46-3	Transfer Cash Collected at FPL for VAPS to Inter-Company Payable Account to FPLES	2	5-7,12, Cols. D-E; Col. B;	Grant	Sensitive Competitive Business information

Staff Work Paper Number	Description	Page(s)	Line(s)	Disposition 18-Month Extension	Type of Information Classified Confidential
46-3	Transfer Cash Collected at FPL for VAPS to Inter-Company Payable Account to FPLES	3	5-8, Cols.C-D	Grant	Sensitive Competitive Business information
46-3	Transfer Cash Collected at FPL for VAPS to Inter-Company Payable Account to FPLES	4	4-7 Cols B-E;	Grant	Sensitive Competitive Business information
Documents 01604-06, 02151-06 and 04185-06					
46-3	Transfer Cash Collected at FPL for VAPS to Inter-Company Payable Account to FPLES	5	4-7, Cols. B-F; 9-12, Col. F: 14, Col. D	Grant	Sensitive Competitive Business information
46-3	Transfer Cash Collected at FPL for VAPS to Inter-Company Payable Account to FPLES	6	4-9, Cols B-H; 11-16, Col. H	Grant	Sensitive Competitive Business information
46-3	Transfer Cash Collected at FPL for VAPS to Inter-Company Payable Account to FPLES	7	15-18, Col. C	Grant	Sensitive Competitive Business information
46-3	Transfer Cash Collected at FPL for VAPS to Inter-Company Payable Account to FPLES	8	6-8, Col. B 19-21; 23, Col. A; 25-26, Col. C	Grant	Sensitive Competitive Business information
46-3	Transfer Cash Collected at FPL for VAPS to Inter-Company Payable Account to FPLES	9	9-12.5, Cols. A-E,G,H	Grant	Sensitive Competitive Business information
46-4	Journal Entry to True-Up Bad Debt Provision for the Inventory Portion of Natural Gas	1	Lines 15-17, Col. C	Grant	Sensitive Competitive Business information
46-4	Journal Entry to True-Up Bad Debt Provision for the Inventory Portion of Natural Gas	2-4	All	Grant	Sensitive Competitive Business information
46-4	Journal Entry to True-Up Bad Debt Provision for the Inventory Portion of Natural Gas	5	Line 29, Col. B	Grant	Sensitive Competitive Business information
46-4	Journal Entry to True-Up Bad Debt Provision for the Inventory Portion of Natural Gas	6	11-12; 16-18, Col. B	Grant	Sensitive Competitive Business information



Staff Work Paper Number	Description	Page(s)	Line(s)	Disposition 18-Month Extension	Type of Information Classified Confidential
46-4	Journal Entry to True-Up Bad Debt Provision for the Inventory Portion of Natural Gas	8	6, Col. B; 8, Col. D; 10, Col. F; 19-22,24,31-32; 33, Col. I	Grant	Sensitive Competitive Business information
Documents 01604-06, 02151-06 and 04185-06					
46-4	Journal Entry to True-Up Bad Debt Provision for the Inventory Portion of Natural Gas	9	8-9, Col. G; 18, Cols. L,N; 19-20	Grant	Sensitive Competitive Business information
47-1	General Ledger Monthly Transaction 12/04	5	14-18, Col B	Grant	Sensitive Competitive Business information
47-2	General Ledger Monthly Transaction 12/04	1	7-9, Cols. D-E	Grant	Sensitive Competitive Business information
47-2	General Ledger Monthly Transaction 12/04	2	14-19, Col. B	Grant	Sensitive Competitive Business information
47-2	General Ledger Monthly Transaction 12/04	3	7-11, Cols. D-E	Grant	Sensitive Competitive Business information
47-2	General Ledger Monthly Transaction 12/04	5	14-21, col. B	Grant	Sensitive Competitive Business information