

STEEL
HECTOR
& DAVIS

Steel Hector & Davis LLP
215 South Monroe, Suite 601
Tallahassee, Florida 32301-1804
904.222.2300
904.222.8410 Fax

July 1, 1996

Jonathan E. Sjoström

BY HAND DELIVERY

Ms. Blanca S. Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
4075 Esplanade Way, Room 110
Tallahassee, Florida 32399-0850

ORIGINAL
FILE COPY

RE: Florida Power & Light Company's Request
for Confidential Classification in the Audit
of FPL's Martin Power Plant Units 3 & 4
Docket No. 960660-EI

Dear Ms. Bayó:

In accordance with Rule 25-22.006, Florida Administrative Code, and Chapter 366.093, Florida Statutes, Florida Power & Light Company ("FPL") hereby submits for filing:

The original and fifteen (15) copies of FPL's Request For Confidential Classification In The Audit Of FPL's Martin Power Plant Units 3 & 4, including the following exhibits:

One copy of **Exhibit A**, the confidential document referred to in FPL's Request, submitted for filing in a separate, sealed envelope marked "EXHIBIT A - CONFIDENTIAL;"

The original and fifteen (15) copies of **Exhibit B**, the same document referred to in FPL's Request in which the information contended by FPL to be confidential has been redacted;

The original and fifteen (15) copies of **Exhibit C**, the affidavit in support of FPL's Request, submitted for filing as an attachment to FPL's Request; and

The original and fifteen (15) copies of **Exhibit D**, Staff's letter of June 6, 1996 giving notice of the Commission's final audit report.

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

Miami
305 577 7000
35 577 7001 Fax

West Palm Beach
561 650 7700
561 655 1509 Fax

Kry West
305 292 7272
305 292 7271 Fax

Caracas
582 951 4105
582 951 4106 Fax

DOCUMENT NUMBER-DA

06994 JUL-1:

FPSC-RECORDS/REPORT

STEEL
HECTOR
DAVIS

Ms. Blanca S. Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
July 1, 1996 - Page Two

Pursuant to Rule 25-22.006(3)(d), FPL requests confidential treatment of this document pending resolution of FPL's Request for Confidential Classification.

If you or your Staff have any questions regarding this filing, please contact me.

Respectfully submitted,



Jonathan S. Strom

TAL/15864
Enclosures

cc: Denise N. Vandiver, Chief
Division of Auditing
Florida Public Service Commission
2540 Shumard Oak Boulevard
Gunter Building, Room 215
Tallahassee, FL 32399-0850

Kathy L. Welch, Regulatory Analyst Supervisor
Florida Public Service Commission
3625 N.W. 82nd Avenue, Suite 400
Miami, Florida 33166-7602

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of Florida Power & Light Company's Request for Confidential Classification in the Audit of FPL's Martin Power Plant Units 3 & 4)
) DOCKET NO. 960660-EI
) FILED: July 1, 1996
)
)

REQUEST FOR CONFIDENTIAL CLASSIFICATION OF CERTAIN MATERIAL
OBTAINED DURING THE STAFF'S AUDIT REVIEW OF CONSTRUCTION
CONTRACTS ASSOCIATED WITH MARTIN POWER PLANT UNITS 3 & 4

Florida Power & Light Company ("FPL") hereby requests confidential classification of certain material obtained during the Staff's audit review of construction contracts related to the Martin Power Plant Units 3 & 4. This request for confidential classification is filed pursuant to section 25-22.006 of the Florida Administrative Code and section 366.093 of the Florida Statutes. This request covers additional information related to FPL's prior May 24, 1996 request in this docket. FPL further states:

1. Pursuant to the Commission Staff's audit review of the subject construction contracts, Staff requested access to various FPL internal audit reports and documents related to competitive bidding transactions and contractual documents.

2. The material for which FPL seeks confidential treatment is included in the Commission's final audit report. This report was not provided to FPL at the audit exit conference; therefore, FPL is filing a separate request for confidential classification. A copy of the Staff's letter giving FPL notice of the existence of this information is attached as Exhibit D.

DOCUMENT NUMBER-DATE

06994 JUL-18

FPSC-RECORDS/REPORTING

3. The following exhibits are attached hereto or are being filed separately, but contemporaneously herewith:

- a. Composite Exhibit A consists of page 6 from the final audit report for which FPL seeks confidential treatment. All information contended by FPL to be entitled to confidential treatment is included in columns 3 and 4 and has been highlighted in Composite Exhibit A. Composite Exhibit A is being filed separately in a sealed envelope marked "CONFIDENTIAL."
- b. Composite Exhibit B, attached, consists of page 6 from the final audit report for which FPL seeks confidential treatment. All information contended by FPL to be entitled to confidential treatment is included in columns 3 and 4 and has been redacted in Composite Exhibit B.
- c. Exhibit C, attached, is the affidavit of Cynthia M. Crooks.
- d. Exhibit D, attached, is the copy of Staff's letter of June 6, 1996 giving FPL notice of the existence of the Commission's final audit report.

4. The material in Exhibit A for which FPL seeks confidential treatment should not be declassified for a period of at least 18 months and should be returned to FPL in accordance with section 366.093(4) of the Florida Statutes as soon as the information is no longer necessary for the Commission to conduct its business. Since the materials are derived from contract information, the materials should remain confidential while at the Commission and should be returned to FPL so that FPL can maintain the confidential nature of the document.

5. FPL seeks confidential protection for this information pursuant to section 366.093(2)(d) (contractual or bid data). Pursuant to section 366.093, such materials are entitled to confidential treatment and exempt from the mandatory disclosure provisions of the public records law. Thus, once the Commission

determines that the information is encompassed by section 366.093(d), the Commission is not required to balance the danger of disclosure against the public interest in access.

6. The justification for confidentiality is that the referenced material concerns bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms within the meaning of section 366.093(3)(d) of the Florida Statutes as more fully set forth in the affidavit of Cynthia M. Crooks (Exhibit C).

CONCLUSION

FPL requests confidentiality protection as to the above-mentioned material identified as confidential in accordance with subsection (3)(d) of section 366.093 of the Florida Statutes and in the time periods described above.

Respectfully submitted,

STEEL HECTOR & DAVIS LLP
Matthew M. Childs, P.A.
Jonathan Sjostrom
Attorneys for Florida Power
& Light Company
215 South Monroe Street, Suite 601
Tallahassee, Florida 32301-1804
(904) 222-2300

By: 
Jonathan Sjostrom

EXHIBIT A

CONFIDENTIAL DOCUMENTS

(SUBMITTED SEPARATELY)

Col
No.

1

2

3

4

5

EXHIBIT TO AUDIT DISCLOSURE RE SUMMARY OF CONTRACTS AUDITED

CONTRACTOR	SCOPE	AMOUNT AWARDED	TOTAL AMOUNT WITH CONTRACT CHANGE ORDERS	AUDIT SCOPE
1 C.J. LANGERFELDER & SON	MAJOR FOUNDATION	[REDACTED]	[REDACTED]	CONSTRUCTION & CCO PHASE
2. LATEX *	GAS PIPELINE	[REDACTED]	[REDACTED]	BID, CONSTRUCTION & CCO PHASE
3. GENERAL ELECTRIC	COMBUSTION TURBINES	[REDACTED]	[REDACTED]	BID AND CONSTRUCTION PHASE
4. GENERAL ELECTRIC	STEAM TURBINES	[REDACTED]	[REDACTED]	BID AND CONSTRUCTION PHASE

*THE LATEX CONTRACT WAS INCLUDED IN THE FUEL ADJUSTMENT AUDIT, DOCKET NO 950001 - EI, AFAD NO. 94-279-4-1 FOR THE TWELVE MONTHS ENDED MARCH 31, 1996.

EXHIBIT B

EXHIBIT C

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

AFFIDAVIT OF CYNTHIA M. CROOKS

Before me the undersigned authority personally appeared Cynthia M. Crooks who, being first duly sworn, deposes and says:

1. My name is Cynthia Crooks. I am currently employed by Florida Power & Light Company (FPL) as Senior Procurement Specialist, Power Generation Business Unit. I have personal knowledge of the matters stated in this affidavit.

2. All matters identified as exempt from disclosure pursuant to 366.093(3)(d) consist of information related to competitively bid steam turbine, combustion turbine and foundation construction contracts. The confidentiality of the information has been maintained by FPL. Disclosure of the information would likely impair FPL's ability to maintain the full benefits of competitive bidding by disclosing otherwise confidential contract terms and would also thereby impair FPL's competitive business within the meaning of section 366.093(3)(d).

3. The obtained materials should remain confidential for a period of not less than 18 months and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can maintain the confidential nature of these documents.

4. Affiant says nothing further.

Cynthia M Crooks
Cynthia M. Crooks

SWORN TO AND SUBSCRIBED before me this 24th day of June, 1996, by Cynthia M. Crooks who is personally known to me or who has produced personally known (type of identification) as identification and who did take an oath.

Margaret L Smith
Notary Public, State of Florida

My Commission Expires:

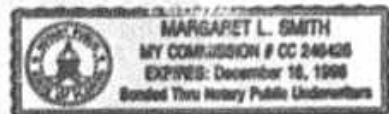


EXHIBIT D
State of Florida

Commissioners:
SUSAN F. CLARK, CHAIRMAN
J. TERRY DEASON
JULIA L. JOHNSON
DIANE K. KIESLING
JOE GARCIA



TIMOTHY DEVLIN, Director
Auditing & Financial Analysis
(904) 413-6480

Public Service Commission

June 6, 1996



Mr. Bill Walker
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, Florida 32301-1859

Dear Mr. Walker:

Undocketed - Florida Power & Light Company
Contract Audit - Audit Control Number 92-204-4-1

Enclosed is a copy of the staff audit report which is being held confidential as a result of the staff audit of your company. This final report was not provided to you in order to file a Request for Confidential Classification as required by Rule 25-22.006, Florida Administrative Code. In the future, this report will be provided for your review at about the time of the audit exit conference, in compliance with the rule. Please consider receipt of this copy as an extension of the audit exit conference. This will allow you to file your request within twenty-one days of receipt of this letter, which should be considered to be July 1, 1996, allowing time for mail delivery. If you should have any questions regarding this process, please do not hesitate to call me.

Sincerely,

A handwritten signature in cursive script that reads "Denise N. Vandiver".

Denise N. Vandiver
Bureau Chief/Audit

DNV/sp
cc: Audit Workpaper File
Enclosure

MEMORANDUM

July 1, 1996

TO: DIVISION OF APPEALS
 DIVISION OF AUDITING AND FINANCIAL ANALYSIS
 DIVISION OF COMMUNICATIONS
 DIVISION OF ELECTRIC AND GAS
 DIVISION OF RESEARCH
 DIVISION OF WATER AND WASTEWATER
 DIVISION OF LEGAL SERVICES

FROM: DIVISION OF RECORDS AND REPORTING (WILLIAMS)

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCUMENT NO.: 06995-96

DESCRIPTION: Audit of Martin Power Plant Units 3 & 4

SOURCE: FLORIDA POWER & LIGHT COMPANY

DOCKET NO.: 960660-EI

The above material was received with a request for confidentiality (attached). Please prepare a recommendation for the attorney assigned to the case by completing the section below and forwarding a copy of this memorandum, together with a brief memorandum supporting your recommendation, to the attorney. Copies of your recommendation should also be provided to the Division of Records and Reporting and to the Division of Appeals.

Please read each of the following and check if applicable.

The document(s) is (are), in fact, what the utility asserts it (them) to be.

The utility has provided enough details to perform a