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September 17, 1996

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

Re: Confidential Classification of Portions of Staff's Audit Regarding C/I DSM Docket No. 961013-EI

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company (FPL) are the original and fifteen (15) copies of Florida Power & Light Company's Request for Confidential Classification of Portions of Staff's Audit Report Regarding Commercial/Industrial Demand Side Management Programs. Attached to each copy of the request are two copies of Exhibit A, a redacted copy of the draft audit report dated August 29, 1996.

FPL does not have a copy of the August 29, 1996 draft audit report which contains the confidential information (all its copies are redacted), **so FPL is not enclosing in this filing any confidential information.**

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

Very truly yours,

Charles A. Guyton

Charles A. Guyton

CAG/ld
encs.
TAL/16827-1
cc: Jack Shreve, Esquire
Brenda Buchan

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Florida Power & Light Company's Request for Confidential Classification of portions of Staff's Audit Report Regarding Commercial/Industrial Demand Side Management Programs	)))))	**Docket No. 961013-EI** **Filed: September 17, 1996**

Florida Power & Light Company's
Request for Confidential Classification of
Portions of Staff's Audit Report Regarding
Commercial/Industrial Demand Side
Management Programs

Pursuant to Florida Administrative Code Rule 25-22.006 and Section 366.093, Florida Statutes (1995), Florida Power & Light Company ("FPL") requests confidential classification of portions of the Staff Audit Report entitled "Commercial/Industrial Demand-Side Management Programs of Six Florida Utilities" and dated August 29, 1996.

1. During Staff's audit of commercial/industrial demand side management programs, Staff requested access to materials which are confidential. FPL provided these materials to the Staff and indicated that some of the information contained therein was confidential.

2. In Staff's draft audit report dated July 23, 1996, Staff included certain of the confidential information provided by FPL to Staff. This draft report was reviewed at the audit exit conference held on August 7, 1996, and FPL was informed that although the draft was to be edited and another draft was to be distributed, to preserve the confidentiality of the material in the July 23, 1996 draft, FPL would need to file a request for confidential classification by August

28, 1996. By means of an earlier request for confidential classification, FPL sought confidential classification of portions of the draft staff audit report entitled "Commercial/Industrial Demand-Side Management Programs of Six Florida Utilities" dated July 23, 1996 as well as confidential classifications of this same information as it appears in any prior or subsequent drafts of the audit report.

3. On August 29, 1996 staff forwarded to FPL a subsequent draft of the staff audit report dated August 29, 1996. That draft included additional language which FPL believes contains information proprietary and confidential to FPL's customers.

4. FPL does not have a copy of the audit report that has not been redacted. FPL was provided an unredacted version of portions of an earlier draft of the audit report to assist Staff in identifying materials which are confidential, but those pages and lines do not correspond to the pages and lines in the draft audit report dated August 29, 1996. Moreover, those drafts do not contain the additional language added to the August 29, 1996 draft report. Consequently, FPL cannot file a highlighted copy of the confidential information. All references to confidential information in this document are, therefore, references to the excerpts from the redacted draft audit report dated August 29, 1996 ("Exhibit A").

5. FPL seeks confidential classification of information contained on pages 63, 64, 65, 75, and 76 of the audit report dated August 29, 1996. The confidential information contained on these pages is the identity of certain FPL customers who have requested studies from FPL and others entities regarding energy alternatives for their highly competitive businesses and the contents of the studies. As a matter of corporate policy, FPL treats the identity of such customers as confidential as well as the information which they request be analyzed. Generally,

FPL's customers have indicated that they consider the fact that they have requested such analyses to be confidential information which they do not want disclosed to their competitors, and they have also indicated that the disclosure of the contents of the analyses could harm them in the conduct of their competitive enterprises.

6. FPL had two choices in addressing the confidential information in the audit report. First, it could seek to protect the identity of the customer and allow disclosure of the alternatives being considered by the customer. Second, it could disclose the customer's identity and not disclose the alternatives the customer considered. FPL chose the former approach, because it was less disruptive to the text of the audit report when the confidential information was redacted. Thus, in ruling whether the name of the customer is confidential, it should be kept in mind that FPL, in the hopes of making the redacted version of the report more informative, has allowed the staff to disclose the alternatives the customer considered. It is the combination of the customer identity with the alternatives being considered and related information which has the potential of resulting in competitive harm to the customer. So, the identity of the customers should be kept confidential. Otherwise, competitors would be informed as to (a) the rate under which the customers takes service, (b) paybacks for alternatives considered by the customers, (c) the nature of capital investments the customers have considered and may still be considering, (d) the name of the firms who have performed analyses for the customers, (e) and the nature of the studies the customers have commissioned to reduce costs and make them more competitive.

7. In support of this request for confidential classification, FPL has enclosed three exhibits:

Exhibit A is two copies of the redacted version of pages 63, 64, 65, 75, and 76 of the audit report with the confidential information redacted.

EXHIBIT B is the affidavit of Mr. Dennis Brandt explaining why the information FPL seeks to prevent from disclosure is confidential.

EXHIBIT C is the line by line justification required by the Commission's confidentiality rule.

Confidentiality Justification

8. There are two rationales for treating the redacted information on pages 63, 64 and 65 confidential. First, FPL has a corporate policy of not disclosing and treating as confidential customer specific information, including the identity of customers who request energy efficiency analyses and the results of the analyses requested, reviewed, or performed. Second, FPL has been requested by the customer discussed on pages 63, 64, and 65 not to disclose its identity, the input data for the requested analyses, and the findings of analyses performed by FPL or provided to FPL. For technical compliance with the Commission's confidentiality rule, attached as part of Exhibit C is a line by line restatement of these justifications.

9. The rationale for treating the redacted information on pages 75 and 76 confidential is that FPL has a corporate policy of not disclosing and treating as confidential customer specific information, including the identity of customers requesting energy efficiency analyses and the nature of the analyses requested, performed or reviewed. FPL's corporate policy of not disclosing such information is premised upon customers' right to privacy as well as the interests of some customers who have competitive businesses who might be harmed by the disclosure of such information. For technical compliance with the confidentiality rule, attached as part of Exhibit C is a line by line restatement of this justification.

10. The information for which FPL seeks confidential classification shall continue to be confidential after 18 months. It will still be treated by FPL as confidential as a matter of policy, and in the instance where a customer has requested that the information be treated as confidential, the customer has placed no time limit upon its request.

WHEREFORE, FPL respectfully requests that the Commission rule that the information identified by FPL as confidential on pages 63, 64, 65, 75, and 76 of the staff audit entitled "Commercial/Industrial Demand-Side Management Programs of Six Florida Utilities" dated August 29, 1996 be given confidential classification by the Commission, be exempt from disclosure, and be redacted from all drafts and editions of the audit report.

Respectfully submitted,

Steel Hector & Davis LLP
Suite 601, 215 S. Monroe St.
Tallahassee, Florida 32301

Attorneys for Florida Power
& Light Company

By: Charles A. Guyton
Charles A. Guyton

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advertisement "as an incentive to customers choosing gas chillers over electric." According to City Gas, the $20,000 rebate payment was recovered through its rates.

City Gas Company also has relevant experience with the DSM programs of other electric utilities. Due to their overlapping service territories, most of City Gas Company's contact with electric commercial/industrial DSM programs have been with those offered by FPL. Two case studies serve to illustrate the role DSM programs can play and the effect they can have in the competition for commercial/industrial customers. These involve [redacted], and the Cape Canaveral Air Force Station near Titusville.

In assessing the impact of Hurricane Andrew and its need for reliable electric service, [redacted] became interested in building a cogeneration facility and requested assistance from City Gas. Although the financial benefits of self-generation were one motivation, [redacted] was also interested in the operational benefit of increased reliability of electric service in the event of hurricanes or other natural disasters. The assistance provided by City Gas led to a September 1993 cogeneration feasibility study by [redacted] sponsored jointly by City Gas and [redacted]. This study concluded that the capital costs of a cogeneration facility could be recovered in [redacted] years through the resulting energy cost savings, rather than continuing to meet its energy needs through FPL's current rates. Assumptions included in this [redacted] study included a gas cost of [redacted] per million Btu, a [redacted] gas price escalation, an equipment availability factor of [redacted], and O&M costs of [redacted].

[redacted] provided the [redacted] study to FPL for assistance in analyzing the results. FPL had begun discussing possible CILC participation with [redacted] as early as 1990. In October 1993, a study was prepared by FPL, replicating the [redacted] methodology, but using different inputs and assumptions. This FPL study indicated a simple payback period of [redacted] years for the cogeneration facility--nearly [redacted] the [redacted] estimate.

Also during October 1993, according to CILC program records, FPL continued to discuss the option of CILC participation with [redacted]. In late 1993, FPL commissioned a study by [redacted] to evaluate the [redacted] study. [redacted], a partner with FPL Energy Services Inc. in its FPL Services subsidiary, specializes in the design and development of cogeneration facilities. The [redacted] study, produced in January 1994, showed a simple payback period of [redacted] years for the cogeneration facility versus FPL's base rates, and concluded "cogeneration is not economic" for the [redacted].

The study also found that upgrades to [redacted] would address its reliability concerns, and that the required investment could be paid for within five years through savings accruing from CILC program participation. [redacted] eventually began participation in the CILC program on November 21, 1995; however, the [redacted] were never built.

The [redacted] study used the same assumptions as the [redacted] study for natural gas cost, equipment availability factor, and O&M cost per kwh, and a slightly higher gas price escalation factor of [redacted]. In summary, [redacted] concluded ". . . the [[redacted]] study contains several aggressive engineering, energy analysis and financial assumptions." For example, [redacted] noted that the [redacted] study incorrectly used a heat rate of 14,107 Btu/kWh instead of 15,644 Btu/kWh, and failed to take into account the additional fuel consumption by [redacted]. These two discrepancies understated annual costs of the cogeneration facility by a combined [redacted]. Additionally, the [redacted] study stated that in estimating "additional costs" (financing fees, attorney costs, engineering review, etc.) the [redacted] study had gone against the common industry practice of projecting 30% of financed project costs. Using this yardstick, the [redacted] study underestimated total financed project costs by [redacted].

A more recent case study involving City Gas and FPL's CILC program has been the proposed addition of self-generation facilities at Cape Canaveral Air Force Station (CCAFS). CCAFS adjoins the Kennedy Space Center, and is the site of NASA's unmanned satellite and missile launches.

FPL contacted CCAFS in July 1994 regarding participation in the CILC program. At the time, CCAFS was considering the installation of self-generation facilities, fueled by either natural gas or diesel to meet federally-mandated 20% energy reduction goals by the year 2000. To maximize its conservation efforts, CCAFS began to consider both the installation of the generators and participation in the CILC program.

In October 1995 CCAFS and FPL executed a CILC Agreement, however to date no CCAFS substations are yet operating on the CILC rate. The CILC tariff has been specifically worded in preparation for CCAFS or other space program facilities joining the program. The First Revised Sheets Number 8.654 and 8.655 contain wording that exempts CCAFS from load control interruptions due to "an event whose nature requires that space launch activities be placed in the critical mode . . . as designated and documented by the NASA Test Director at Kennedy Space Center and/or the USAF Range Safety Officer at Cape Canaveral Air Force Station." This exemption, which would have applied for a total of 32 days surrounding various launches in 1995, was provided because a load control interruption could significantly disrupt a launch, and according to FPL because the customer "had a national security need for power in limited instances."

As of mid-1996 Cape Canaveral Air Force Station was still considering the purchase of a generator offered at low cost by the Tennessee Valley Authority. After conversion to natural gas, the generator may be used by CCAFS to produce some on-site self-generation. However, self-generation would interfere with CCAFS qualifying for the CILC rate. According to FPL, if the customer self-generates, its Supplemental Service rate, instead of the lower CILC rate, would apply. According to FPL, this is because "the CILC rate applies to those who use FPL as their service provider whenever service is available."

7.3.1 Conclusion

In both of these cases, customers began to pursue obtaining services from a gas utility, but may resolve their needs through an electric DSM program. In each case, the electric DSM program played a role in the outcome of a competitive situation, resulting in the electric utility either fully or partially retaining the load of a customer considering the option of a natural gas application. In both cases, the ratepayer-provided funds for conservation programs also assisted the electric utility in its competitive positioning.

In the case of [redacted], the customer eventually received conflicting assessments of the feasibility of the cogeneration facility, and once the CILC program was brought into play, the customer may have simply opted for the certainty of CILC's reduced rates. Though CILC may have influenced the outcome, there is no certainty that if the cogeneration facility had been built that it would have been in the customer's best interest.

In the case of Cape Canaveral Air Force Station, the customer's planned use of natural gas for self-generation conflicts with FPL's CILC program. The restrictions regarding the combination of self-generation and receiving the CILC rate present a barrier to fuel-switching. Also, the revision of the operating guidelines for the CILC program to accommodate the special needs of NASA and CCAFS could be interpreted as manipulation to retain one of FPL's largest customers.

performed by Savage Engineering in 1995. These studies involved comparison of chiller options for Heartland Medical Center and [redacted]. In the case of [redacted], the economics of the gas and electric chiller options were very close.

In purchasing a chiller, [redacted] considered separate proposals from FPL and Peoples Gas during 1994 and 1995. Both the FPL proposal and the Peoples Gas proposal included participation in commercial/industrial conservation programs, which would reduce the cost of the equipment to the hospital through rebates.

In November 1994, FPL prepared a study comparing the installation of an electric motor chiller and a gas engine driven chiller. FPL's analysis found that the savings resulting from installing the [redacted] ton high-efficiency electric chiller plus participation in the CILC program would provide a [redacted] year payback of the hospital's investment. The [redacted] ton electric chiller alone without CILC participation resulted in a [redacted] year payback estimate, but was not considered viable since this option would not provide for air conditioning during extended outages.

By comparison, the FPL study showed a [redacted] year payback for a [redacted] ton gas-fired chiller. FPL noted other negative factors such as the potential need to increase plant maintenance staffing, environmental impacts such as engine noise, the limited number of gas engine chiller applications of this size, uncertainty about future gas prices, and the potential supply cutoffs inherent in the interruptible gas rates proposed. The FPL study noted that the gas chiller would not meet the customer's needs as defined by the hospital.

In February 1995, [redacted] began participation in FPL's CILC program. Apparently, the decision between a gas engine versus electric motor chiller had not yet been made. In June 1995, Peoples Gas commissioned a study by Savage Engineering to compare electric and gas chiller options.

The Savage study compared a base case 2300 ton York electric motor chiller to a 2300 ton York gas engine chiller, taking into account the net heat recovery savings. The study showed a 4.6 year payback for the gas chiller in comparison to the electric chiller. To equalize maintenance cost differences, the gas option included the cost of full maintenance service coverage. In both cases, the costs of preventive maintenance on the chillers were included. To prevent the additional noise of the gas engine chiller, the cost of an engine enclosure was included.

The Savage study's payback period of 4.6 years for the gas chiller was [redacted] to FPL's [redacted] year gas chiller payback estimate. In addition, the Savage study responded to FPL's concerns about issues such as additional O&M staffing and noise reduction. After taking the two studies into consideration, [redacted] selected the electric chiller.

The case study indicates that at times, Peoples Gas' conservation programs do compete head-to-head with an electric DSM program for a major customer. In such an instance, it is clear that the competitive advantage provided through DSM or conservation program savings can make the difference in a customer's decision.

8.6.1 Conclusion

In the [redacted] case, the difference in the payback periods for the electric and gas may have been the primary reason Peoples Gas did not win the customer. But factors beyond the equipment costs, such as customers' general lack of familiarity with natural gas, may be standing in the way of gas utilities. FPL itself cited the limited track record of large gas chillers as a negative in their study. Engine driven chillers have been so recently developed that normally conservative business managers may tend to select the "known" over the "unknown" unless a substantial cost or operational advantage for gas can be proven.

This weaker competitive position places an additional burden on gas utilities to sell the customer on natural gas as a fuel itself, and then on the specific proposal at hand. This burden also puts pressure on gas to be bolder in competing with the stronger, entrenched electric utilities. The result can be a war of words through claims and counter-claims in advertisements.

The company appears to have recognized the need for improving its ability to compete with electric utilities for commercial/industrial customers. Through the use of an independent engineering firm to provide more complete evaluations and cost comparisons, Peoples Gas has improved its ability to convince customers to consider alternative energy solutions.

Additionally, in April 1996, Peoples Gas' parent company, Lykes Energy, announced an agreement to form a new company that "will provide a broad range of services that industrial and large commercial customers through Florida will require to succeed in a competitive marketplace." The new non-regulated company, Lykes-Duke/Louis Dreyfus will engage in electric and fuels marketing, owning or leasing generating facilities as well as operating assets. It will also participate in other energy-related activities such as energy systems and design and fuels procurement and management.

EXHIBIT B

AFFIDAVIT OF DENNIS BRANDT

STATE OF FLORIDA)
)
COUNTY OF DADE)

BEFORE ME, the undersigned authority, this day personally appeared Dennis Brandt, who, being first duly sworn, deposes and says:

My name is Dennis Brandt. I am employed by Florida Power & Light Company in the position of Manager Commercial/Industrial Marketing. I am a resident of the State of Florida, am over eighteen (18) years and make this affidavit based upon my personal knowledge.

Florida Power & Light Company has a corporate policy not to disclose customer specific information. This policy includes information relating to requests by customers for the performance or review of energy efficiency analyses. FPL treats such analyses, their inputs and results as confidential and does not disclose them, except as required by law, to entities or persons other than the customer without the permission of the customer. FPL's policy is premised upon customers' right to privacy and the potential that the disclosure of customer specific information may harm some customers' competitive interests.

I have reviewed Exhibits A to Florida Power & Light Company's Request for Confidential Classification of Portions of Staff's Audit Report Regarding Commercial/Industrial Demand Side Management Programs dated September 17, 1996. The information identified therein as confidential falls within FPL's corporate policy of not disclosing customer specific information. In addition, the information which FPL has identified as being confidential on pages 63, 64, and 65 of the audit report entitled "Commercial/Industrial Demand-Side Management Programs of Six

Florida Utilities" dated August 29, 1996 is information which a specific customer of FPL has advised FPL is confidential and proprietary to the customer and the disclosure of which would harm its competitive interests.

Dennis Brandt

Before me the undersigned authority personally appeared, on this the 16th day of September, 1996, Dennis Brandt, who is personally known to me.

Carla P. Leiva

Notary Public, State of Florida

CARLA P. LEIVA

Printed name of notary

CC538284

Commission number

My Commission expires:

NOTARY PUBLIC STATE OF FLORIDA
OFFICIAL NOTARY SEAL
CARLA P LEIVA
COMMISSION NUMBER
CC538284
MY COMMISSION EXPIRES
MAR. 7,2000

TAL/16811-1

EXHIBIT C

Line by Line Justification

PAGE 63:

Lines 7,8: Customer names and customer specific information regarding energy efficiency analyses are confidential under FPL corporate policy and are not disclosed without the permission of the customer. The specific FPL customer mentioned has asked that FPL treat this information as confidential.

Line 10: Customer names and customer specific information regarding energy efficiency analyses are confidential under FPL corporate policy and are not disclosed without the permission of the customer. The specific FPL customer mentioned has asked that FPL treat this information as confidential.

Line 12: Customer names and customer specific information regarding energy efficiency analyses are confidential under FPL corporate policy and are not disclosed without the permission of the customer. The specific FPL customer mentioned has asked that FPL treat this information as confidential.

Lines 14,15: Customer names and customer specific information regarding energy efficiency analyses are confidential under FPL corporate policy and are not disclosed without the permission of the customer. The specific FPL customer mentioned has asked that FPL treat this information as confidential.

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PAGE 64

Line 1: Customer names and customer specific information regarding energy efficiency analyses are confidential under FPL corporate policy and are not disclosed without the permission of the customer. The specific FPL customer mentioned has asked that FPL treat this information as confidential.

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Line 6: Customer names and customer specific information regarding energy efficiency analyses are confidential under FPL corporate policy and are not disclosed without the permission of the customer. The specific FPL customer mentioned has asked that FPL treat this information as confidential.

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Line 9: Customer names and customer specific information regarding energy efficiency analyses are confidential under FPL corporate policy and are not disclosed without the permission of the customer. The specific FPL customer mentioned has asked that FPL treat this information as confidential.

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PAGE 65

Line 8: Customer names and customer specific information regarding energy efficiency analyses are confidential under FPL corporate policy and are not disclosed without the permission of the customer. The specific FPL customer mentioned has asked that FPL treat this information as confidential.

PAGE 75

Line 2: Customer names and customer specific information regarding energy efficiency analyses are confidential under FPL corporate policy and are not disclosed without the permission of the customer.

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PAGE 76

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Line 35: Customer names and customer specific information regarding energy efficiency analyses are confidential under FPL corporate policy and are not disclosed without the permission of the customer.

PAGE 76

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