



ORIGINAL
FILE COPY

July 1, 1997

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

**RE: Florida Power & Light Company's Request
for Confidential Classification in the Fuel
Cost Recovery Audit - Docket No. 970001-EI;
Audit Control No. 97-055-4-2**

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 Fuel Cost Recovery Audit, including the following exhibits:

- ACK
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- SPC _____

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

Three (3) copies of Exhibit B, the same documents referred to in FPL's Request in which the information contended by FPL to be confidential has been redacted, submitted for filing in three separate folders marked "EXHIBIT B,"

The original and fifteen (15) copies of Exhibit C, FPL's justification and identification matrix, submitted for filing as an attachment to FPL's Request,

The original and fifteen (15) copies of Exhibit D and E, affidavits in support of FPL's Request, submitted for filing as attachments to FPL's Request, and

One copy of Exhibit F, a computer diskette containing FPL's identification and justification matrix (in Microsoft Word 6.0), submitted for filing as an attachment to FPL's request.

*X-ref 6105-97
conf.*

DOCUMENT NUMBER-DATE
d
06622 JUL-15
FPSC-BUREAU OF RECORDS
an FPL Group company

DOCUMENT NUMBER-DATE
06623 JUL-15
FPSC-BUREAU OF RECORDS/REPORTING

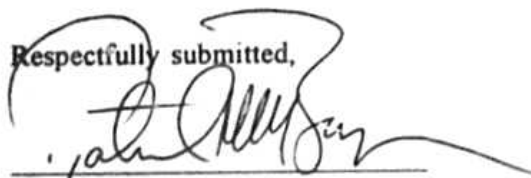
redacted
DOCUMENT NUMBER-DATE
06624 JUL-15
FPSC-BUREAU OF RECORDS/REPORTING

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Pursuant to Rule 25-22.006(3)(d), FPL requests confidential treatment of these documents 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,



Patrick M. Bryan
700 Universe Boulevard
Building D-3
Juno Beach, Florida 33408
(561) 691-7101

Attorney for Florida Power
& Light Company

PMB/ak

Enclosures

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of Florida Power &)
Light Company's Request for)
Confidential Classification in)
the Fuel Cost Recovery Audit)
_____)

DOCKET NO. **970001-EL**

FILED: July 1, 1997

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF CERTAIN
MATERIAL OBTAINED DURING THE FUEL
COST RECOVERY AUDIT**

Florida Power & Light Company ("FPL") hereby requests confidential classification of certain material obtained during the Fuel Cost Recovery Audit (the "Audit"). 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. FPL further states:

1. Petitioner's name and address are:

Florida Power & Light Company
P.O. Box 029100
Miami, Florida 33102-9100

Orders, notices, or other pleadings related to this request should be served on:

Patrick M. Bryan, Esquire
Florida Power & Light Company
700 Universe Boulevard
Building D-3
Juno Beach, Florida 33408-0420

2. During the Audit, Commission Staff requested access to various FPL internal audit reports, contract data and pricing information, and other documents related to FPL's competitive interests in connection with fuel cost recovery.

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

DOCUMENT NUMBER-DATE

06622 JUL-15

FPSO-REGISTRATION REPORTING

- a. Composite Exhibit A consists of all documents for which FPL seeks confidential treatment. All information contended by FPL to be entitled to confidential treatment 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 all documents for which FPL seeks confidential treatment. All information contended by FPL to be entitled to confidential treatment has been redacted in Composite Exhibit B.
- c. Exhibit C, attached, is a line by line and page by page justification matrix including identification of information for which confidential treatment is sought, correlation of the confidential information with the specific justification for the claim of confidentiality.
- d. Exhibit D, attached, is the affidavit of Guy L. Casaceli. Exhibit E, attached, is the affidavit of Rene Silva.
- e. Exhibit F is a computer diskette containing FPL's justification matrix (Exhibit C).

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 include documents which are derived from internal auditing reports and controls, which are related to contractual data and pricing information, and which are related to FPL's competitive interests, 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 documents.

5. FPL seeks confidential protection for this information pursuant to section 366.093(3)(b)(internal audit information), 366.093(3)(d) (contractual data and pricing information), 366.093(3)(e) (data the disclosure of which has the potential to cause competitive harm) and 366.093 (3)(f) (employee personnel information unrelated to compensation, duties, qualifications and responsibilities). FPL maintains the confidentiality of the aforementioned information and materials. 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 sections 366.093(b) (d) (e) and (f), the Commission is not required to balance the danger of disclosure against the public interest in access.

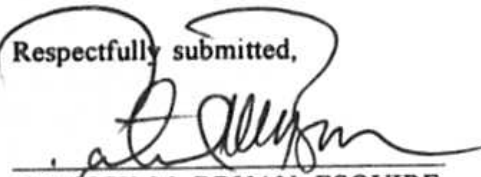
6. Within the justification matrix (Exhibit C) the column marked "FLORIDA STATUTE 366.093(3)" is keyed to justifications for confidentiality contained within the referenced statute. For lines marked "(b)", the justification for confidentiality is that the referenced material is related to internal auditing controls and/or reports of internal auditors

within the meaning of section 366.093(3)(b) of the Florida Statutes. For lines marked "(d)", the justification for confidentiality is that the referenced material concerns contractual data and pricing information, the disclosure of which would impair FPL's ability and efforts to enter into similar types of contracts in the future on favorable terms. For lines marked "(e)", the justification for confidentiality is that the referenced material is related to competitive interests of FPL and disclosure would impair FPL's competitive business within the meaning of section 366.093(3)(e) of the Florida Statutes. For lines marked "(f)" the justification for confidentiality is that the referenced material is related to employee personnel information (social security numbers) unrelated to compensation, duties, qualifications, or responsibilities. The justification for confidentiality of the referenced material under (b), (d) and (e) is more fully set forth in the affidavits of Guy L. Casaceli (Exhibit D) and Rene Silva (Exhibit E).

CONCLUSION

FPL requests confidentiality protection as to the material set out and described in the attached confidentiality justification matrix (Exhibit C).

Respectfully submitted,



PATRICK M. BRYAN, ESQUIRE
700 Universe Boulevard
Building D-3
Juno Beach, Florida 33408-0420
(561) 691-7101

Attorney for Florida Power
& Light Company

Exhibit A

CONFIDENTIAL DOCUMENTS

(SUBMITTED SEPARATELY)

Exhibit B

REDACTED DOCUMENTS

(SUBMITTED SEPARATELY)

Exhibit C
Justification Matrix

LIST OF CONFIDENTIAL WORKPAPERS

Fuel Cost Recovery

EXHIBIT C

COMPANY: FPL
 TITLE: LIST OF CONFIDENTIAL WORKPAPERS
 AUDIT: FUEL COST RECOVERY
 DATE: July 1, 1997

FLORIDA
 STATUTE
 366.093(3)
 Section:

BOOK NO.	WKPAPER NO.	DESCRIPTION	NO. OF PAGES	CONF Y/N	LINE NO./ COLUMN NO.	FLORIDA STATUTE 366.093(3) Section:
N/A	9	INTERNAL AUDIT NOTES	7	Y - pg 1-7	entire page	b
N/A	9-2/2	SCHEDULE OF NATURAL COST AND VOLUMES	2	Y - pg 1	cost schedule column no. 2	d, e
				Y - pg 1	column no. 3 (except total fig.)	d, e
				Y - pg 1	volumes sched. columns 2 & 3	d, e
				Y - pg 1	handwritten notes beneath schedules, lines 1, 2 and 4	d, e
				Y - pg 2	entire columns nos. 1 - 4	d, e
N/A	46-5	ANALYSIS OF TEMPORARY PAYROLL COSTS	1	Y - pg 1	column 2 (SS Number) in its entirety	f
N/A	46-5/1	DETAIL TRANSACTIONS REPORT 1/96-10/96	30	N		
N/A	46-5/3	FPSC AUDIT DOCUMENT/RECORD REQ. AND DETAIL TRANSACTIONS REPORT 1/96-10/96	6	N		

Exhibit D

AFFIDAVIT OF GUY L. CASACELI

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

AFFIDAVIT OF GUY L. CASACELI

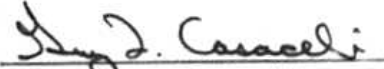
Before me the undersigned authority personally appeared Guy L. Casaceli who, being first duly sworn, deposes and says:

1. My name is Guy L. Casaceli. I am currently employed by Florida Power & Light Company (FPL) as Manager, Internal Auditing. I have personal knowledge of the matters stated in this affidavit.

2. All matters identified as exempt from disclosure pursuant to 366.093(3)(b) consist of information related to internal auditing controls and reports of internal auditors. The confidentiality of the information has been maintained by FPL.

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.


Guy L. Casaceli

SWORN TO AND SUBSCRIBED before me this 24th day of June, 1997, by Guy L. Casaceli, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.


Notary Public, State of Florida

My Commission Expires:



Anita Kabana
My Commission CD039165
Expires March 29, 2000

Exhibit E

AFFIDAVIT OF RENE SILVA

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

STATE OF FLORIDA)
)
DADE COUNTY)

AFFIDAVIT OF RENE SILVA

Before me the undersigned authority personally appeared Rene Silva who, being first duly sworn, deposes and says:

1. My name is Rene Silva. I am currently employed by Florida Power & Light Company (FPL) as Manager of Forecasting and Regulatory Response in the 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) and (e), Florida Statutes, with regard to Workpaper 9-2/2, consist of information concerning contractual data and pricing information, the disclosure of which would impair FPL's ability and efforts to enter into similar type contracts in the future on favorable terms. The information relates also to FPL's competitive interests. The disclosure of such information would impair the competitive business of FPL.

3. The confidentiality of the information has been maintained by FPL.

4. 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.

5. Affiant says nothing further.


Rene Silva

SWORN TO AND SUBSCRIBED before me this 27th day of June, 1997, by Rene Silva, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.


Notary Public, State of Florida

My Commission Expires:

371pmb



Anita Kabana
My Commission CC639185
Expires March 29, 2000

Exhibit F

**COMPUTER DISKETTE
OF FPL'S
IDENTIFICATION AND JUSTIFICATION
MATRIX**