

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 980007-EI

FILED: April 22, 1998

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

Florida Power & Light Company ("FPL") hereby requests confidential classification of certain material obtained during the Environmental Cost Recovery Clause 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
11760 U. S. Hwy. One
Suite 600
No. Palm Beach, Florida 33408

2. During the Audit, Commission Staff requested access to various FPL internal audit reports and other documents related to environmental cost recovery.

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

X-ref 04083-98
DOCUMENT NUMBER-DATE

04505 APR 22 98

FPSC-RECORDS/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 box 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 and the dates of requested classification.
- d. Exhibit D, attached is the affidavit of Guy L. Casaceli.
- e. Exhibit E 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 are derived from internal auditing reports and controls, 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.

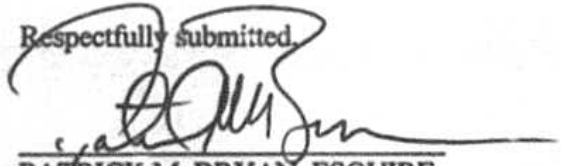
5. FPL seeks confidential protection for this information pursuant to section 366.093(3)(b)(internal audit information). Pursuant to section 366.093, such materials are entitled to confidential treatment and exempt from the mandatory disclosure provisions of the public records law. Thus, once the Commission determines that the information is encompassed by sections 366.093(b), 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. The justification for confidentiality of the referenced material is more fully set forth in the affidavit of Guy L. Casaceli (Exhibit D).

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
11760 U.S. Hwy. One
Suite 600
No. Palm Beach, Florida 33408
(561) 691-3441

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

Environmental Cost Recovery Clause Audit

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 17th day of April, 1998, 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.



Anita Kabana
Notary Public, State of Florida

My Commission Expires:



Exhibit E

COMPUTER DISKETTE

OF

FPL'S

IDENTIFICATION AND JUSTIFICATION MATRIX