



FPL

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RECORDS AND
REPORTING

January 6, 1999

VIA HAND DELIVERY

Ms. Blanca S. Bayó
Director
Division of Records and Reporting
Florida Public Service Commission
Betty Easley Conference Center
2540 Shumard Oak Boulevard
Room 110
Tallahassee, FL 32399-0850

**Re: Florida Power & Light Company's Request for
Confidential Classification of Certain Material
Provided in Response to Staff's Second Set of Interrogatories;
Docket No. 980002-EG**

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Dear Ms. Bayó:

I enclose and hand you herewith for filing in the above-referenced matter, the original and fifteen (15) copies of Florida Power & Light Company's ("FPL") Request for Confidential Classification. The original includes Attachments A, B, C, D, and E. The fifteen copies include only Attachments B, C and D.

ACK _____ Attachment A contains the confidential information that is the subject of FPL's Request for
AFA _____ Confidential Classification. Attachment A is submitted for filing in a separate, sealed folder or carton
APP _____ marked "**ATTACHMENT A – CONFIDENTIAL**". Attachment B is an edited version of Attachment A, in
CAF _____ which the information FPL asserts is confidential has been blocked out. Attachment C contains FPL's
justification for its request for confidential classification.
CMU _____
CTR _____ In accordance with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information in
Attachment A pending disposition of FPL's request for Confidential Classification.
EAG _____
LEG _____ Also included herewith is a computer diskette containing FPL's Request for Confidential
LIN _____ Classification and Attachment C (in Word Perfect 6.1)

OPC _____
RCH _____
SEC _____
WAS _____
OTH _____

an FPL Group company

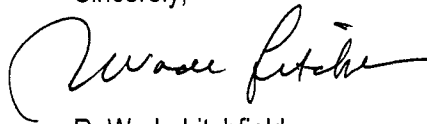
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[Signature]
FPSC BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
00168 JAN-6 99
FPSC-RECORDS/REPORTING

Blanca S. Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
January 6, 1999
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Please do not hesitate to contact me should you or your Staff have any questions regarding this filing.

Sincerely,

A handwritten signature in cursive script that reads "R. Wade Litchfield". The signature is written in black ink and is positioned above the printed name.

R. Wade Litchfield

RWL/bjw
Enclosures

cc: Service List (w/out Attachments A and E)

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Energy Conservation) DOCKET NO. 980002-EG
Cost Recovery Clause) FILED: January 6, 1999

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
CERTAIN MATERIAL PROVIDED IN RESPONSE
TO STAFF'S SECOND SET OF INTERROGATORIES**

NOW, BEFORE THIS COMMISSION, through undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to section 25-22.006 of the Florida Administrative Code and section 366.093 of the Florida Statutes, hereby requests confidential classification of certain materials provided in response to interrogatories of the Florida Public Service Commission ("FPSC" or "Commission") staff ("Staff") in the above-entitled and numbered proceeding. In support of its Request, FPL states as follows:

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:

William G. Walker, III
Vice President
Florida Power & Light Company
215 South Monroe Street; Suite 810
Tallahassee, FL 32301-1859
(850) 224-7595

R. Wade Litchfield
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
(561) 691-7101

2. By transmittal dated December 1, 1998, Staff, issued its Second set of interrogatories and its first request for production of documents. In the course of preparing its responses to

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00168 JAN-6 99

FPSC-RECORDS/REPORTING

such interrogatories, FPL determined that some of the information requested constitutes proprietary confidential business information within the meaning of section 366.093 of the Florida Statutes. FPL hereby requests confidential classification of such information.

3. The following exhibits are included herewith and made a part hereof:
 - a. Exhibit A consists of all documents for which FPL seeks confidential treatment, whether in whole or in part. All information in Exhibit A that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit A is submitted separately in a sealed folder or carton marked "CONFIDENTIAL."
 - b. Exhibit B is an edited version of Exhibit A. All information that FPL asserts is entitled to confidential treatment has been blocked out in Exhibit B.
 - c. Exhibit C is a table containing a line-by-line and page-by-page identification of the information for which confidential treatment is sought, and, with regard to each document or portions thereof, references to the specific statutory basis or bases for the claim of confidentiality and to the affidavits in support of the requested classification. Exhibit C is sometimes referred to hereinafter as the "Justification Table."
 - d. Exhibit D is the affidavit of Dennis Brandt.
 - e. Exhibit E is a computer diskette containing FPL's Justification Table.

4. FPL seeks confidential protection for the information highlighted in Exhibit A. The statutory bases for FPL's assertion of confidentiality with regard to each document or portion thereof are set forth in the Justification Table under the column titled "FLORIDA STATUTE 366.093(3)." The letters (a) through (f) refer to subsections of section 366.093(3), as applicable. Support for FPL's Request for Confidential Classification of the referenced material is provided through the affidavit of Dennis Brandt, included herewith as Exhibit D.

5. FPL submits that the information highlighted in Exhibit A is proprietary confidential business information within the meaning of section 366.093(3). As Mr. Brandt's affidavit indicates, the

highlighted information consists of customer-specific information for non-governmental customers. Specifically, FPL has withheld the names of customers on the lists of information provided as attachments to some of the response in order to avoid disclosing customer-specific information. FPL considers such information to be confidential proprietary business information of the customer and does not disclose such information to third parties unless required by law or unless the customer consents to the disclosure.

6. Pursuant to section 366.093, such materials are entitled to confidential treatment and are exempt from the disclosure provisions of the public records law. Thus, once the Commission determines that the information in question is proprietary confidential business information, the Commission is not required to engage in any further analysis or review such as weighing the harm of disclosure against the public interest in access to the information.

7. Upon a finding by the Commission that the material in Exhibit A for which FPL seeks confidential treatment is "proprietary confidential business information", pursuant to section 366.093(4) such materials should not be declassified for a period of at least eighteen (18) months and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavits included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

Charles A. Guyton
Steel Hector & Davis
215 South Monroe Street
Suite 601
Tallahassee, FL 32301
(850) 222-2300

and

R. Wade Litchfield
Florida Authorized House Counsel
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 691-7101

By: 

Attorneys for
Florida Power & Light Company

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a copy of Florida Power & Light Company's "Request for Confidential Classification of Certain Material Provided in Response to Staff's Second Set of Interrogatories," with the exception of Exhibits A and E, has been served via United States Mail, postage prepaid, to the parties listed below this 6th day of January, 1999

James Beasley, Esquire
Austin & McMullen
P.O. Box 391
Tallahassee, FL 32302

Mr. Michael Palecki
City Gas Company of Florida
955 East 25th Street
Hialeah, FL 33013

Mr. Thomas A. Geoffroy
Florida Division of Chesapeake Utilities
P.O. Box 960
Winter Haven, FL 33882

Wm. Cochran Keating, IV, Esquire
Staff Counsel
Florida Public Service Commission
Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Mr. James McGee
Flower Power Corporation
P.O. Box 14042
St. Petersburg, FL 33733

Mr. Kenneth Hoffman
Rutledge Ecenia
P.O. Box 551
Tallahassee, FL 32302

Mr. Frank Cressman
Florida Public Utilities Co.
P.O. Box 3395
West Palm Beach, FL 33402

Mr. Wayne Schiefelbein
Gatlin Woods
3301 Thomasville Road
Suite 300
Tallahassee, FL 32312

Ms. Susan D. Cranmer
Gulf Power Company
One Energy Place
Pensacola, FL 32520

Ms. Colette M. Powers
Indiantown Gas Company
P.O. Box 8
Indiantown, FL 23456

Mr. Ansley Watson
MacFarlane Ausley
P.O. Box 1531
Tampa, FL 33601

Mr. Norman Horton, Jr.
Messer Vickers
P.O. Box 1876
Tallahassee, FL 32302

Mr. Francis J. Sivard
Peoples Gas System
P.O. Box 2562
Tampa, FL 33601

Sebring Gas System, Inc.
3515 Highway 27 South
Sebring, FL 33870

Mr. John McLelland
South Florida Natural Gas Company
P.O. Box 248
New Smyrna Beach, FL 32170

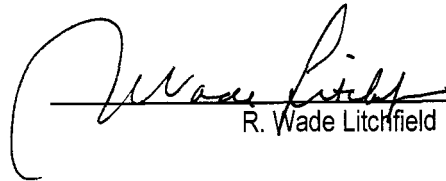
Mr. Stuart Shoaf
St. Joe Natural Gas Company
P.O. Box 549
Port St. Joe, FL 32457

Ms. Debra Swim
LEAF
1115 N. Gadsden Street
Tallahassee, FL 32303

Vicki Gordon Kaufman, Esquire
McWhirter Reeves McGlothlin
117 S. Gadsden Street
Tallahassee, FL 32301

John W. McWhirter, Esquire
McWhirter Reeves McGlothlin
P.O. Box 3350
Tampa, FL 33601

Ms. Angela Llewellyn
Regulatory and Business Strategy
Tampa Electric Company
P.O. Box 11
Tampa, FL 33601


R. Wade Litchfield

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

| | | |
|-----------------------------------|----------|-------------------------------|
| In re: Energy Conservation |) | DOCKET NO. 980002-EG |
| Cost Recovery Clause |) | FILED: January 6, 1999 |

Exhibit A

CONFIDENTIAL DOCUMENTS

(SUBMITTED SEPARATELY)

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy Conservation) DOCKET NO. 980002-EG
Cost Recovery Clause) FILED: January 6, 1999

Exhibit B

REDACTED DOCUMENTS

Florida Power & Light Co.
Docket No. 980002-EG
Staff's Second Set of Interrogatories No. 7
Attachment No. II
Page 1 of 3

| A | B |
|---------------------------------|---|
| Customer Name | Action Needed To Become CILC Customer |
| | Out of business |
| Apollo Elementary School | Customer needs better payback |
| | Awaiting management decision |
| Brevard Community College | Awaiting management decision |
| Brevard Community College | Awaiting management decision |
| | Need to purchase gensets |
| Broward County | Customer decided not to participate |
| Broward County | Customer load not currently >200kw |
| Broward County | Customer load not currently >200kw |
| | Customer no longer interested |
| | Customer not interested |
| Charlotte Regional Med Center | Customer load not currently >200kw |
| City of Hialeah | Customer load not currently >200kw |
| City of Titusville | Ready 1st Qtr 1999 |
| City of Titusville | Customer load not currently >200kw |
| City of Titusville | Customer load not currently >200kw |
| Clearlake Middle School | Customer needs better payback |
| | Insurance policy needed \$1MM |
| | Awaiting management decision |
| County of Sarasota | Customer problem with Trans. Sw. |
| Dade Correctional | Installation in progress |
| Dade Correctional | Installation in progress |
| Dade Correctional | Installation in progress |
| Desoto County Sheriff's Dept | Customer load not currently >200kw |
| | Delivery of generator |
| | Customer not interested at this time |
| Everglades Correctional Inst | Installation in progress |
| Everglades Correctional Inst | Installation in progress |
| Everglades Correctional Inst | Installation in progress |
| Federal Corrections Institution | Customer not interested |
| | New building in design stage |
| | Need to invest in equipment |
| | Awaiting management decision |
| | Awaiting management decision |
| Hendry Co. School Board | Customer undecided |
| | On rate 1/99 |
| | On rate 1/99 |
| | On rate 1/99 |
| Indian River County Utilities | Preparing for CILC test |
| Indian River County Utilities | Customer replacing generator |
| Jackson Middle School | Customer needs better payback |
| | Facility under construction |

Florida Power & Light Co.
Docket No. 980002-EG
Staff's Second Set of Interrogatories No. 7
Attachment No. II
Page 2 of 3

| | A | B |
|----|-----------------------------------|---------------------------------------|
| 46 | | Customer needs financing |
| 47 | | Will have to install larger generator |
| 48 | Madison Middle School | Customer needs better payback |
| 49 | Manatee Co Bd Comm | Customer undecided |
| 50 | | Must Complete Energy Center |
| 51 | Metropolitan Dade County | Facility under construction |
| 52 | MIAD 2130 | Facility under construction |
| 53 | MIAD 2132 | Facility under construction |
| 54 | MIAD 2134 | Facility under construction |
| 55 | MIAD 2200/2206 | Facility under construction |
| 56 | MIAD 2203/2207 | Facility under construction |
| 57 | MIAD 2205 | Facility under construction |
| 58 | MIAD 2208 | Facility under construction |
| 59 | MIAD 2212 | Facility under construction |
| 60 | MIAD 2214 | Facility under construction |
| 61 | MIAD 2216 | Facility under construction |
| 62 | MIAD 2218 | Facility under construction |
| 63 | MIAD 2220 | Facility under construction |
| 64 | MIAD 2222 | Facility under construction |
| 65 | MIAD 2224 | Facility under construction |
| 66 | MIAD 2226 | Facility under construction |
| 67 | MIAD N808 | Facility under construction |
| 68 | MIAD N811 | Facility under construction |
| 69 | MIAD N817 | Facility under construction |
| 70 | MIAD N820 | Facility under construction |
| 71 | MIAD N823 | Facility under construction |
| 72 | MIAD N829 | Facility under construction |
| 73 | Miami Dade Wasad - SW Well fields | On rate 12/98 |
| 74 | | Customer not interest at this time |
| 75 | NASA - C5 Substation | CILC in construction - May 99 |
| 76 | Palm Bay High School | Customer needs better payback |
| 77 | | Customer needs better payback |
| 78 | | New management, awaiting decision |
| 79 | Sarasota County | Cust. repair problem w/ transfer Sw. |
| 80 | | Purchasing Generators |
| 81 | School Board of Brevard County | Customer needs better payback |
| 82 | So. Florida Water Mgmt Distr | Awaiting management decision |
| 83 | So. Florida Water Mgmt Distr | Awaiting management decision |
| 84 | | Customer load not currently >200kw |
| 85 | SS County Govt CEP | Installation in progress |
| 86 | | Customer needs better payback |

| | A | B |
|----|---------------------------|------------------------------------|
| 87 | | Customer needs better payback |
| 88 | | Awaiting management decision |
| 89 | | Customer load not currently >200kw |
| 90 | | Customer load not currently >200kw |
| 91 | United States Post Office | Needs additional backup generation |
| 92 | USAF | Awaiting management decision |
| 93 | USAF | Awaiting management decision |
| 94 | VA Medical Center | Delays in receiving switchgear |
| 95 | | Awaiting management decision |

Florida Power & Light Co.
Docket No. 980002-EG
Staff's Second Set of Interrogatories No. 8
Attachment No. III
Page 1 of 1

| A | B |
|---------------|---|
| Customer Name | Customer Investment Amount To-Date |
| 1 | |
| 2 | |
| 3 | |
| 4 | City of Titusville \$235,000 |
| 5 | \$50,000 |
| 6 | Dade Correctional \$2,000 |
| 7 | Dade Correctional \$2,000 |
| 8 | Dade Correctional \$2,000 |
| 9 | \$25,000 |
| 10 | Everglades Correctional Inst \$2,000 |
| 11 | Everglades Correctional Inst \$2,000 |
| 12 | Everglades Correctional Inst \$2,000 |
| 13 | \$766,667 |
| 14 | \$766,667 |
| 15 | \$766,667 |
| 16 | \$400,000 |
| 17 | Metropolitan Dade County \$1,500 |
| 18 | MIAD 2205 \$500 |
| 19 | Miami Dade Wasad - SW Well fields \$3,000 |
| 20 | NASA - C5 Substation \$6,800,000 |
| 21 | SS County Govt CEP \$500,000 |
| 22 | VA Medical Center \$280,000 |

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy Conservation) DOCKET NO. 980002-EG
Cost Recovery Clause) FILED: January 6, 1999

Exhibit C

Justification Table

EXHIBIT C

COMPANY: Florida Power & Light Company
DOCKET NO.: 980002-EG
TITLE: Staff's Second Set of Interrogatories Nos. 7 and 8
DATE: January 6, 1999

**FLORIDA
STATUTE
366.093(3)
Subsection:**

ATTACHMENT PAGE NO. CONF. LINE NOS. AFFIDAVIT
NO. Y/N

| ATTACHMENT NO. | PAGE NO. | CONF. Y/N | LINE NOS. | FLORIDA STATUTE 366.093(3) Subsection: | AFFIDAVIT |
|----------------|----------|-----------|--|--|---------------|
| II | 1 of 3 | Y | 4, 6, 9, 13-14, 21-22, 28-29, 34-37, 39-41, 45 | (e) | Dennis Brandt |
| | 2 of 3 | Y | 46-47, 50, 74, 77-78, 80, 84, 86 | (e) | Dennis Brandt |
| | 3 of 3 | Y | 87-90, 95 | (e) | Dennis Brandt |
| III | 1 of 1 | Y | 5, 9, 13-16 | (e) | Dennis Brandt |

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

| | | |
|-----------------------------------|---|-------------------------------|
| In re: Energy Conservation |) | DOCKET NO. 980002-EG |
| Cost Recovery Clause |) | FILED: January 6, 1999 |

Exhibit D

AFFIDAVIT

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy Conservation)
)
Cost Recovery Clause)

DOCKET NO. 980002-EG

STATE OF FLORIDA)
)
COUNTY OF DADE)

AFFIDAVIT OF DENNIS BRANDT

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

1. My name is Dennis Brandt. I am currently employed by Florida Power & Light Company ("FPL"). My title is Manager, Sales and Marketing Product Support. I have personal knowledge of the matters stated in this affidavit.

2. Regarding FPL's Exhibit C, I have reviewed the documents and information for which I am listed as Affiant and which are included in Exhibit B to FPL's Request for Confidential Classification. Such documents or materials that I have reviewed and which, in whole or in part, are asserted by FPL to be proprietary confidential business information, as noted on Exhibit C, contain or constitute customer-specific account information with respect to non-governmental customers. FPL's policy is not to disclose to third parties specific rate and contract information for non-governmental customers unless required by law or unless the customer consents to such disclosure.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than eighteen months. In addition, these materials 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 continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.

Dennis Brandt

Dennis Brandt

SWORN TO AND SUBSCRIBED before me this 4 day of JANUARY, 1999, by Dennis Brandt, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.

Maura Hernandez

Notary Public, State of Florida



Maura Hernandez
MY COMMISSION EXPIRES
May 23, 2003
www.flnotary.com

My Commission Expires: