

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Florida Power & Light Company's)
Request for Confidential Classification)
Of Material Provided pursuant to)
Audit No. 99-279-4-1)

Docket No: _____
Filed: August 23, 2000

**MOTION FOR WAIVER OF
TWENTY-ONE DAY FILING REQUIREMENT AND
REQUEST FOR EXTENSION OF TIME**

NOW, BEFORE THIS COMMISSION, through undersigned counsel, comes Florida Power & Light Company ("FPL" or the "Company") and, for its Motion for Waiver of the Twenty-One Day Filing Requirement and Request for Extension of Time, states as follows:

1. FPL is a public utility subject to the jurisdiction of the Florida Public Service Commission ("Commission") under Chapter 366, Florida Statutes (1999). FPL's General Offices are located at 9250 West Flagler Street, Miami, FL 33174.

2. Any pleading, motion, notice, order or other document required to be served upon the petitioner or filed by any party to this proceeding should be served upon the following individuals:

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Florida Power & Light Company
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Florida Power & Light Company
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DOCUMENT NUMBER-DATE
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3. On August 4, 2000, a field auditor for the FPSC's Staff delivered to FPL copies of work papers to be retained by the Staff in connection with the audit identified by FPSC Audit Control No. 99-279-4-1, and a letter indicating that the audit had been completed. The letter indicated that the Company had twenty-one days (or until August 25, 2000) within which to file a Request for Confidential Classification. The work papers Staff has designated to be retained consist of two hundred and ninety (290) pages of detailed information, figures, and data. The Commission's rules require the Company to submit a detailed filing referencing, high-lighting, and justifying line-by-line the information for which confidential treatment is sought in order to obtain such treatment.

4. Rule 25-22.006(3)(a) provides that the request must be filed within twenty-one days "absent good cause shown." The Commission previously has recognized its ability to grant a waiver of the twenty-one day requirement. See Order No. PSC-95-1082-CFO-EI, Docket No. 950001-EI.

5. The individuals responsible for reviewing the work papers and compiling most of the information necessary for FPL to submit its Request for Confidential Classification reside and work in Broward and/or Dade Counties. In light of the approaching hurricane Debby and the prospect that it may affect, among other areas of South Florida, Dade and Broward Counties, FPL is concerned that these individuals may not be able to complete the work required to submit timely its Request for Confidential Classification. Specifically, the individuals preparing the response may be released for other duties including preparing their own homes for the storm.


6. Accordingly, FPL requests that the Commission waive the twenty-one day

requirement and grant FPL an extension of fourteen (14) days, or until September 8, 2000, within which to submit its Request for Confidential Classification. In the event that South Florida is unaffected by Hurricane Debby, FPL will submit its Request as promptly as possible.

7. If the twenty-one day requirement is not waived and FPL is unable to meet the twenty-one day deadline, FPL's affiliate, FPL-FiberNet, LLC ("FiberNet") will suffer competitive harm as a result of the public disclosure of commercially sensitive information. Such information includes FiberNet's financial projections, operating results, contracts, pricing, and cost data. This information, if made public, would afford FiberNet's competitors an unfair advantage over FiberNet and would impair FiberNet's efforts to enter into contracts on commercially favorable terms. Such a result would constitute a substantial hardship within the meaning of Section 120.542, Florida Statutes. Further, FPL submits that no statutory purpose underlying Rule 25-22.006(3)(a) will be frustrated by the Commission granting the requested waiver and extension of time. Indeed, a determination as to whether documents warrant confidential treatment will be delayed at most by two weeks.

WHEREFORE, for the above and foregoing reasons, Florida Power & Light Company respectfully requests that the Commission grant its Motion for Waiver of the Twenty-one Day Filing Requirement and Request for Extension of Time, and that it be granted such other appropriate relief as the law may permit.

Respectfully submitted,

By: 

R. Wade Litchfield
Florida Authorized House Counsel
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