

ORIGINAL

STEEL  
HECTOR  
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May 15, 2001

Charles A. Guyton  
850.222.3423

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

**By Hand Delivery**

RECEIVED-FPSC  
MAY 15 PM 1:11  
RECORDS AND REPORTING

**Re: Petition for Approval of True-Up  
Amount in Docket No. 010002-EG**

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company in Docket No. 010002-EG are the original and ten copies of Florida Power & Light Company's Motion For Protective Order Regarding Confidential Information Required To Be Filed As Part Of True Up Filing. Please note that the original copy of the motion has an Attachment, Attachment A, which contains CONFIDENTIAL INFORMATION. Therefore, FPL is filing the original motion in a separate envelope stamped CONFIDENTIAL. The remaining copies of the motion do not contain Attachment A or any other confidential information.

In its motion FPL seeks confidential classification of the confidential information contained in Appendix A to Exhibit DR-1 in Docket No. 010002-EG, which is being filed with the Commission today. FPL has to file this information with the Commission to comply with Rule 25-17.015, Florida Administrative Code. However, to avoid damaging public disclosure, FPL has filed its motion for protective order and provided in Exhibit DR-1 redacted copies of Appendix A.

If you or your staff have any questions regarding this transmittal, please contact me at 222-2300.

Very truly yours,

*Charles A. Guyton*  
Charles A. Guyton

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*Confidential*  
DOCUMENT NUMBER-DATE  
*06065 MAY 15*

*motion*  
DOCUMENT NUMBER-DATE

*06065 MAY 15*

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FPSC-RECORDS/REPORTING

FPSC-RECORDS/REPORTING

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In Re: Energy Conservation Cost            )  
Recovery Clause                                )**

**Docket No. 010002-EG  
Filed: May 15, 2001**

**Florida Power & Light Company's  
Motion For Protective Order Regarding Confidential  
Information Required To Be Filed As Part Of True Up Filing**

Pursuant to Florida Administrative Code Rule 25-22.006 and Section 366.093, Florida Statutes (2000), Florida Power & Light Company ("FPL") requests confidential classification of portions of Appendix A to Exhibit DR-1 filed this day with the Commission in Docket No. 010002-EG. FPL further moves that the Commission issue a protective order (1) acknowledging that FPL has served redacted copies of Appendix A on all parties, (2) requiring any party or person who desires to review the confidential material in Appendix A to file with the Commission, pursuant to Rule 25-22.006(7)(a), Florida Administrative Code, a petition to inspect and examine the confidential information in Appendix A to Exhibit DR-1, (3) requiring that the confidential information in Appendix A be returned to FPL after the close of this proceeding if not admitted into the record, and (4) finding that if Appendix A is admitted into the record in this proceeding, that FPL has shown good cause for the confidential information in Appendix A to continue to be classified as confidential for a period of thirty-six months. As grounds for this motion, FPL states:

1. Rule 25-17.015(5), Florida Administrative Code, requires that when a conservation advertisement for which a utility seeks conservation cost recovery "makes a specific claim of

potential energy savings or states appliance efficiency ratings or savings, all data sources and calculations used to substantiate these claims must be included in the [true-up] filing....”

2. FPL is filing contemporaneously with this motion its true-up filing, and FPL is seeking cost recovery of advertising expenses for advertisements which make specific claims of energy savings. Consequently, in Appendix A to Exhibit DR-1, the exhibit attached to the Testimony of FPL witness Dennis Reynolds, FPL has included all the data sources necessary to satisfy this rule requirement.

3. Part of the information which FPL has been required to file in Appendix A to Exhibit DR-1 to comply with Rule 25-17.015(5) is confidential. The purposes of this motion are (a) to seek a Commission determination that certain information identified by FPL in Appendix A to Exhibit DR-1 should be classified as confidential information and (b) to seek a protective order which establishes that the procedure for any party or person desiring to review the confidential information should be the procedure set forth in Rule 25-17.006(7)(a): the filing of a petition to inspect, and either the return of the confidential information if it is not included in the record or the continued confidential classification of the information if it is included in the record.

#### **Justification of Confidential Classification**

4. All the information in Appendix A to Exhibit DR-1 for which FPL seeks confidential classification is customer specific information. FPL has a corporate policy not to disclose or release customer specific information without the consent of the customer. None of the FPL customers referred to in this information have consented to the release of their customer specific information. In addition, much of the information for which FPL seeks confidential classification is information which is confidential and proprietary to customers, the release of which would harm the customers'

business operation, and has not been disclosed other than to the contractors which have performed work for the customers (and then only at the customers' direction). This information may, in some instances, constitute trade secrets to the customers, and is certainly information relating to the customers' competitive interests, the disclosure of which would impair the competitive business of the customers. Information of this nature is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes (2000). The Commission has previously determined that the type of information for which FPL seeks protection is proprietary confidential business information. See, Order No. PSC-00-0628-CFO-EG.

5. To satisfy the requirements of Rule 25-17.006, FPL has prepared four Attachments to this motion. Attachment A is a copy of Appendix A to Exhibit DR-1 which has all the confidential information highlighted. Only the original copy of this motion contains a highlighted copy of Attachment A; the remaining copies served upon the Commission and the parties do not contain a copy of Attachment A. Attachment B is a copy of Appendix A to Exhibit DR-1 with the confidential information redacted. Attachment C is a line by line justification of the confidential status of the confidential information in Appendix A to Exhibit DR-1. Attachment D is the affidavit of Mr. Dennis Reynolds explaining why the information FPL seeks to prevent from disclosure is confidential. All copies of this motion have Attachments B - D.

#### **Request For Protective Order**

6. FPL is required to include in its true-up filing very detailed information which supports claimed energy savings in its conservation advertisements. At the time the rule amendment requiring this filing was adopted, it was recognized by every party to the rule making that the information was of interest only to the Staff of the Commission. FPL has filed this confidential

information so that the Staff of the Commission will have immediate access to the confidential information, but it has served upon the parties to this proceeding redacted copies of the confidential information. Many of the parties to this proceeding clearly have no interest in the customer specific, confidential information required to be filed pursuant to Rule 25-17.015(5). For instance, other electric utilities not serving such customers have no conceivable interest in this customer specific information. Because of the limited interest in this confidential information, FPL seeks a protective order from the Commission acknowledging FPL's service of the confidential information solely on the Commission and providing that other parties to the proceeding desiring to review the confidential information filed with the Commission follow the procedure set forth in Rule 25-17.006, Florida Administrative Code, by filing a petition to review and inspect the documents. This procedure minimizes the initial disclosure of confidential information, avoids parties not interested in receiving confidential information from having to undertake measures to prevent such disclosure, and provides a means by which those parties seeking to review the confidential information to seek review under terms necessary to prevent the disclosure of such information.

7. 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 the information regarding customers' electrical usage and electrical equipment will continue to be competitive information the disclosure of which may injure the customers' competitive interest even after 18 months. Therefore, FPL requests that the Commission rule, as permitted by Section 366.093, Florida Statutes (2000), that the confidential information in Appendix A to Exhibit DR-1 continue to be classified as confidential for a period of thirty-six months from the original confidential classification. At present it is not FPL's intent to offer Appendix A to Exhibit DR-1 into evidence;

FPL is filing the Appendix only to satisfy the requirements of Rule 25-17.015(4), Florida Administrative Code. If Appendix A is not admitted into evidence in this proceeding, FPL asks that the protective order issued by the Commission require the return of Appendix A to FPL. However, if these advertisements become subject to dispute and the confidential information in Appendix A is introduced into the record in this proceeding, FPL asks that the Commission determine that FPL has demonstrated good cause for the confidential information to continue to be classified as confidential for thirty-six months from the original classification.

WHEREFORE, FPL respectfully moves that the Commission (a) rule that the information identified by FPL as confidential in Appendix A to Exhibit DR-1 filed on May 15, 2001 be given confidential classification by the Commission and be exempt from disclosure, and (b) the Commission issue a protective order (i) that any parties to this proceeding desiring to review and inspect the confidential information in Appendix A to Exhibit DR-1 follow the procedure set forth in Rule 25-17.006(7)(a), (ii) that the confidential information in Appendix A be returned to FPL after the close of this proceeding if not admitted into the record, and (iii) if Appendix A is admitted into the record in this proceeding, that FPL has shown good cause for the confidential information in Appendix A to continue to be classified as confidential for thirty-six months from the original classification.

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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Motion for Protective Order Regarding Confidential Information Required to be Filed as Part of True-Up Filing was served by Hand Delivery (when indicated with an \*) or mailed this 15th day of May, 2001 to the following:

Marlene Stern, Esquire \*  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Gunter Building, Room 370  
Tallahassee, Florida 32399-0850

Peoples Gas System  
Angela Llewellyn  
Regulatory Affairs  
P.O. Box 2562  
Tampa, Florida 33061-2562

Lee L. Willis, Esquire  
James D. Beasley, Esquire  
Ausley Law Firm  
227 South Calhoun Street  
Tallahassee, Florida 32302

Norman Horton, Jr., Esquire  
Messer, Caparello, et al.  
215 South Monroe Street, Suite 701  
Tallahassee, Florida 32301

Jeffrey A. Stone, Esquire  
G. Edison Holland, Esquire  
Beggs & Lane  
Post Office Box 12950  
Pensacola, Florida 32576-2950

Ansley Watson, Jr., Esquire  
Macfarlane, Ferguson & McMullen  
P.O. Box 1531  
Tampa, Florida 33602

Joseph A. McGlothlin, Esquire  
Vicki Gordon Kaufman, Esquire  
McWhirter, Reeves, et al.  
117 South Gadsden Street  
Tallahassee, Florida 32301

Debbie Stitt  
Energy Conservation Analyst  
St. Joe Natural Gas Company  
Post Office Drawer 549  
Port St. Joe, Florida 32456

Florida Industrial Power Users Group  
c/o John W. McWhirter, Jr., Esquire  
McWhirter, Reeves, et al.  
400 N. Tampa Street, Suite 2450  
Tampa, Florida 33602

James A. McGee, Esquire  
Florida Power Corporation  
Post Office Box 14042  
St. Petersburg, Florida 33733

Rob Vandiver/Jack Shreve  
Office of Public Counsel  
111 West Madison Street  
Room 812  
Tallahassee, Florida 32399

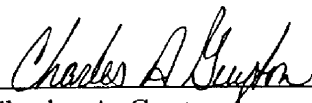
City Gas Company of Florida  
955 East 25th Street  
Hialeah, Florida 33013-3498

Indiantown Gas Company  
Colette Powers  
Post Office Box 8  
Indiantown, Florida 34956-0008

Peter Martin  
South Florida Natural Gas Company  
101 NW 202 Terrace  
Post Office Box 69000-J  
Miami, Florida 33269-0078

Sebring Gas System, Inc.  
3515 highway 27 South  
Sebring, Florida 33870-5452

Stuart L. Shoaf  
St. Joe Natural Gas Company, Inc.  
Post Office Box 549  
Port St. Joe, Florida 32457-0549

  
\_\_\_\_\_  
Charles A. Guyton



**ATTACHMENT A**

**ATTACHMENT B**

El Dorado Furniture Ad  
Savings are based on the combined effects of HVAC and lighting retrofits.

HVAC

1 [redacted] DX units were installed. The combined kw reduction was [redacted]. The approximate monthly kwh is [redacted].  
2 [redacted] With operating hours of [redacted] this amounts to about [redacted]. This was calculated by:

Calculation:

3 The combined reduction of kw is [redacted] kw

4 [redacted]  
5 [redacted]  
6 [redacted]

7 [redacted]  
8 [redacted]  
9 [redacted] savings / month for HVAC

T8 Lighting

Calculation:

10 [redacted]  
11 [redacted]  
12 [redacted]  
13 [redacted]  
14 [redacted]

Savings come from:

15 [redacted]  
(excluding ballast factor) with factor savings is greater.  
16 New operating lighting cost is [redacted]  
17 Total savings is [redacted]

HID Lighting

18 End result = [redacted]  
19 [redacted]  
20 [redacted]

Savings:

21 T8 change-out [redacted]  
22 HID Lighting [redacted]  
23 HVAC [redacted]  
Total combined Savings \$2,627.10 per month x 12 months = \$31,525.52 per year.

Although the savings worked out to be more than \$2,500 a month, the customer felt comfortable in quoting a \$1,200 per month savings.

Salon 2000

The lighting retrofit savings for Salon 2000 was calculated as follows:

1 Old [REDACTED]  
2 New [REDACTED]

3 Difference: [REDACTED]  
4 [REDACTED]

5 [REDACTED]

6 \*Salon 2000's average bill prior to the retrofit was [REDACTED] month or [REDACTED] After  
7 the retrofit, comparable months' bills have averaged [REDACTED] an average monthly  
8 savings of [REDACTED]

9 This [REDACTED] represents a 20% savings.

\*See Page 2-C

1  
2  
3  
4



SVC Date      (A)      (B)  
                  kwh      Bill Amt

6/12/98
5/13/98
4/14/98
3/16/98
2/12/98
1/13/98
12/11/97
11/10/97
10/10/97
9/10/97
8/11/97
7/11/97
6/11/97
5/12/97
4/11/97
3/13/97
2/11/97
1/10/97

Comparable months average bill post retrofit

[Redacted] (1)

5

Average bill prior to lighting retrofit

[Redacted] (2)

6

Average monthly bill savings - \$

[Redacted] (3)=(2)-(1)

7

Average monthly bill savings - % of bill prior to retrofit

20% (3)/(2)

Augustan Wine Imports Inc.

| FPL estimated the annual energy cost savings derived from this installation to be [REDACTED]  
(see Page 3-D).

At that time, the customer expected this to represent 15% to 20% of this annual energy bill.

At the time of the insulation installation the customer was new to this location, so only two months of billing history was available.

**Commercial / Industrial Building Envelope Program**  
**Roof / Ceiling Insulation Worksheet**  
 (For Qualifying Roof / Ceiling Area Only)

Prepared For \_\_\_\_\_ Account Number [REDACTED] 1  
 Prepared By \_\_\_\_\_ Date \_\_\_\_\_  
 Proposed Insulation Type: (Circle One) Installation Cost (\$/Sq. Foot) [REDACTED] 2  
 Roof (Rigid Board or Slabs) / Ceiling (Blown-In Batts or Sprayed) A  
 Added R-Value 30 Final Roof System R-Value \_\_\_\_\_  
 Area Description ALL Qualifying Area (Sq. Feet) [REDACTED] 3  
 Energy Charge [REDACTED] (\$/Kwh) Demand Charge NA (\$/Kwh) Incentive (\$/Sq. Foot) 0.15 4  
E

Qualifying Roof / Ceiling Area      Savings Factor      Billing Charges

Annual Kwh = [REDACTED] / 1000 \* 1538 \* [REDACTED] 1 = [REDACTED] 5  
B      (Table One, Kwh)      C      F

Summer Kwh = \_\_\_\_\_ / 1000 \* \_\_\_\_\_ \* \_\_\_\_\_ \* 7 = \$ NA  
B      (Table One, Summer Kwh)      D      G

Winter Kwh = \_\_\_\_\_ / 1000 \* \_\_\_\_\_ \* \_\_\_\_\_ \* 5 = \$ NA  
B      (Table One, Winter Kwh)      D      H

Total Annual Energy Cost Savings = [REDACTED] 6  
J = (F + G + H)

Simple Payback =  $\frac{\text{Installation Cost} - \text{Incentive}}{\text{Total Area} \times \text{Annual Savings}}$  = [REDACTED] Years 7  
A      E      B      J

Table One Average Savings Factors				
		Kwh	Summer Kwh	Winter Kwh
Roof Insulation	Add R-7.0 or Greater	1141	0.925	0.154
Roof Insulation	Add R-12.0 or Greater	1457	1.171	0.197
Ceiling Insulation	Add R-11.0 or Greater	1457	1.171	0.197
Ceiling Insulation	Add R-19.0 or Greater	1538	1.241	0.207

Note: KW and KWh savings amounts stated above are estimated only. Actual demand, energy and electric cost savings may vary.  
 All incentive amounts will be finalized on the actual installed products and will not be confirmed until post-approval.  
 Savings estimates are for a "typical" customer.

**Attachment C**  
**Line by Line Confidentially Justification of**  
**Confidential Information in Appendix A to Exhibit DR-1**  
**Docket 010002-EG**

DESCRIPTION	PAGE NO.	CONF. Y/N	LINE NO./ COL. NO.	JUSTIFICATION
El Dorado Furniture	1-H	Y	Lines 1-23	Each data entry is customer specific information which FPL has a policy to treat as confidential and not disclose. This information is proprietary confidential information within Section 366.093(3)(e), Florida Statutes. All information identified as confidential is information related to the nature and extent of the retrofit projects the customer undertook and the resulting savings the customer experienced. Disclosure of this information would be the disclosure of sensitive competitive information which would harm the customer's business and competitive interests.



Salon 2000	2-B	Y	Lines 1-9	Each data entry is customer specific information which FPL has a policy to treat as confidential and not disclose. This information is proprietary confidential information within Section 366.093(3)(e), Florida Statutes. The confidential information within is the calculation of the savings experienced by the customer, which includes such sensitive competitive information such as the number of light fixtures, the efficiencies of fixtures, the kW and kWh consumption of the fixtures and resulting costs of the old and new fixtures. All this information would be valuable to a competitor of the customer and its disclosure would harm the customer's business interests.
	2-C	Y	Lines 1-7; Columns A and B	Each data entry is customer specific information which FPL has a policy to treat as confidential and not disclose. This information is proprietary confidential information within Section 366.093(3)(e), Florida Statutes. The name, address, customer number and meter number of each customer are customer specific information the disclosure of which would violate the customer's privacy. The disclosure of billing determinants and the resulting bill amounts, whether by month or on average, is competitive information disclosure of which would harm the customer's business interests.

Augustan Wine	3-C	Y	Line 1	<p>The data entry is customer specific information which FPL has a policy to treat as confidential and not disclose. This information is proprietary confidential information within Section 366.093(3)(e), Florida Statutes. The savings experienced by the customer is competitive information, disclosure of which would injure the customer's business interest.</p>
	3-D	Y	Lines 1-7	<p>Each data entry is customer specific information which FPL has a policy to treat as confidential and not disclose. This information is proprietary confidential information within Section 366.093(3)(e), Florida Statutes. FPL does not disclose customer account numbers, and competitors could use such information to solicit from FPL more detailed information about the customer. Installation costs and square footage are competitive information the disclosure of which would injure the customer's business interests. The remainder of the information shows the calculation of the savings and payback to the customer, the disclosure of which would injure the customer's business interests. The disclosure of the rate under which the customer takes service would also injure the customer's business interests.</p>

**ATTACHMENT D**

**AFFIDAVIT OF DENNIS REYNOLDS**

STATE OF FLORIDA     )  
  )  
COUNTY OF DADE     )

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

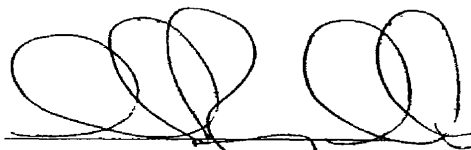
My name is Dennis Reynolds. I am employed by Florida Power & Light Company in the position of Budget and Regulatory Supervisor. I am a resident of the State of Florida, am over eighteen (18) years and make this affidavit based upon my personal knowledge.

Florida Power & Light Company has a corporate policy not to disclose customer specific information. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, meter numbers, rates, billing determinants (kW and kWh usage), bills, conservation retrofit information, conservation savings in kW, kWh and bills, chiller efficiency reports, costs of equipment retrofits, incentives paid, operating hours, lighting codes for fixtures installed or removed by customers, the kW per fixture of installed or removed fixtures, operating hours of equipment, the payback of conservation installations, and the identity of contractors performing customer specific installations. FPL treats such information as confidential and does not disclose it, 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 or disclose their trade secrets.

I have reviewed Florida Power & Light Company's Motion For Protective Order Regarding Confidential Information Required To Be Filed As Part Of True Up Filing and Attachments A and B to the Motion. The information identified therein as confidential falls within FPL's corporate policy of not disclosing customer specific information.

I have reviewed the detailed justification of confidentiality in Attachment C to Florida Power & Light Company's Motion for a Protective Order Regarding Confidential Information Required To Be Filed As Part Of True Up Filing , and the factual representations therein are accurate both as to the scope of FPL's policy not to disclose customer specific information and to the potential injury of customers due to the disclosure of competitive information or potential trade secrets.

The information for which FPL seeks confidential classification in its Motion will continue to be confidential after the expiration of eighteen months. FPL will continue to treat all this customer specific information as confidential until released by the customer. The customers' competitive interests which would be damaged by the release of this information will still exist after eighteen months. Most of this equipment and the related information about usage and efficiencies will continue to be relevant for years to come, and its disclosure would injure the customers' competitive interests. The return of this information to FPL after the close of the hearing, if not admitted into evidence, would protect the interests of the customers. If the confidential information in Appendix A to Exhibit DR-1 is admitted into the record, then the potential injury from disclosure of competitive interests will last longer than eighteen months and warrants the Commission finding that its confidential classification should not be limited to eighteen months.



Dennis Reynolds

Before me the undersigned authority personally appeared, on this the 10 day of May, 2001, Dennis Reynolds, who is personally known to me.

Heidi D Ellenberger  
Notary Public, State of Florida

HEIDI D ELLENBERGER  
Printed Name of Notary

CC 982179  
Commission Number

My Commission expires:

