



ORIGINAL

October 15, 2001

VIA HAND DELIVERY

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard, Room 110
Tallahassee, FL 32399-0850

D11362-ET

RECEIVED-FPSC
01 OCT 15 PM 3:23
COMMISSION
CLERK

**Re: Florida Power & Light Company's Request for Confidential Classification of
Material Provided pursuant to Audit No. 01-173-4-1**

Dear Ms. Bayó:

I enclose and hand you herewith for filing in the above-referenced matter, the original and two (2) copies of Florida Power & Light Company's ("FPL") Request for Confidential Classification in connection with Audit No. 01-173-4-1. The original includes Exhibits A, B, C and D. The two copies include only Exhibits B, C, and D.

Exhibit A contains the confidential information that is the subject of FPL's Request for Confidential Classification. Exhibit A is submitted for filing in a separate, sealed folder or carton marked "**EXHIBIT A - CONFIDENTIAL.**" Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been blocked out, Exhibit C contains FPL's justification for its request for confidential classification. Exhibit D contains affidavits in support of FPL's Request for Confidential Classification. Also included is a computer diskette containing the electronic version of FPL's Request for Confidential Classification and Exhibit C, in Word Perfect format.

Pursuant to rule 25-22.006(3)(d) of the Florida Administrative Code, FPL requests confidential treatment of the documents in Exhibit A pending disposition of FPL's Request for Confidential Classification.

- APP
- CAF
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- RGD
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- UTH

an FPL Group company

RECEIVED & FILED
RJM
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

13088 OCT 15 01

FPSC-COMMISSION CLERK

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
October 15, 2001
Page 2

Finally, enclosed is an additional copy of FPL's Request for Confidential Classification. Please stamp file this additional copy and return to FPL at your convenience.

Please do not hesitate to contact Robert E. Stone, Attorney at (305) 552-4657 should you or your Staff have any questions regarding this filing.

Thanking you for your attention to this matter, I remain,

Sincerely,

A handwritten signature in black ink, appearing to read "Robert E. Stone", with a long horizontal line extending to the right.

Robert E. Stone
Attorney

RES/sm

Enclosures

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

011362-EI

In re: Florida Power & Light Company's)
Request for Confidential Classification)
Of Material Provided pursuant to)
Audit Control No. 01-173-4-1

FILED: October 15, 2001

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF MATERIALS
PROVIDED IN THE FUEL COST RECOVERY CLAUSE
PURSUANT TO AUDIT NO. 01-173-4-1**

NOW, BEFORE THIS COMMISSION, through undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to rule 25-22.006 of the Florida Administrative Code and section 366.093 of the Florida Statutes, hereby requests confidential classification of certain materials provided to the Florida Public Service Commission ("FPSC" or "Commission") staff ("Staff") in connection with Audit Control No. 01-173-4-1 (hereinafter the "Audit"). 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
Florida Power & Light Company
Vice President
215 South Monroe Street
Suite 810
Tallahassee, Florida 32301-1859
(850) 224-7595

Robert E. Stone
Florida Power & Light Company
Attorney
P.O. Box 029100 LAW/GO
Miami, Florida 33102-9100
Tel. (305) 552-4657
Fax (305) 552-4153

2. During the Audit, Staff requested access to various FPL reports and other documents. By letter dated September 24 , 2001, Staff indicated its intent to retain certain workpapers for which confidential treatment previously had been requested. Pursuant to Rule 25-22.006(3)(a), FPL was given twenty-one days from the date of the letter, or until October 15, 2001, within which to file a formal Request for Confidential Classification with respect to such workpapers. FPL hereby makes such request.

3. The following exhibits are included herewith and made a part hereof:

a. Composite 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. Composite Exhibit A is submitted separately in a sealed folder or carton marked "CONFIDENTIAL."

b. Composite Exhibit B consists of edited versions of all documents for which FPL seeks confidential treatment. All information FPL asserts is entitled to confidential treatment has been blocked out in Composite 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 includes the affidavits of Rick Del Cueto and Sol Stamm.

4. FPL seeks confidential protection for the information highlighted in Exhibit A. This information principally consists of FiberNet's financial projections, operating results,

contract and pricing information, cost data, and internal audits or audit reports. 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. Disclosure of pricing and other contractual terms could also impair the competitive business of FiberNet's customers.

5. Further, as Mr. Del Cueto indicates, Exhibit A includes information that contains or constitutes internal audit controls or reports or information relating to same. Such information is entitled to protection under section 366.093(3)(b).

6. FPL submits that the highlighted information is proprietary confidential business information within the meaning of section 366.093(3). Pursuant to section 366.093, such information is entitled to confidential treatment and is 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. The material in Exhibit A for which FPL seeks confidential classification is intended to be and is treated by FPL as private and has not been disclosed.

8. Upon a finding by the Commission that the material in Exhibit A for which FPL seeks confidential treatment is proprietary confidential business information within the meaning of section 366.093(3), pursuant to section 366.093(4) such materials should not be declassified for 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,

Date: October 12th, 2001



Robert E. Stone
Attorney for Florida Power & Light Company
P.O. Box 029100 LAW/GO
Miami, Florida 33102-9100
Tel. (305) 552-4657
Fax (305) 552-4153

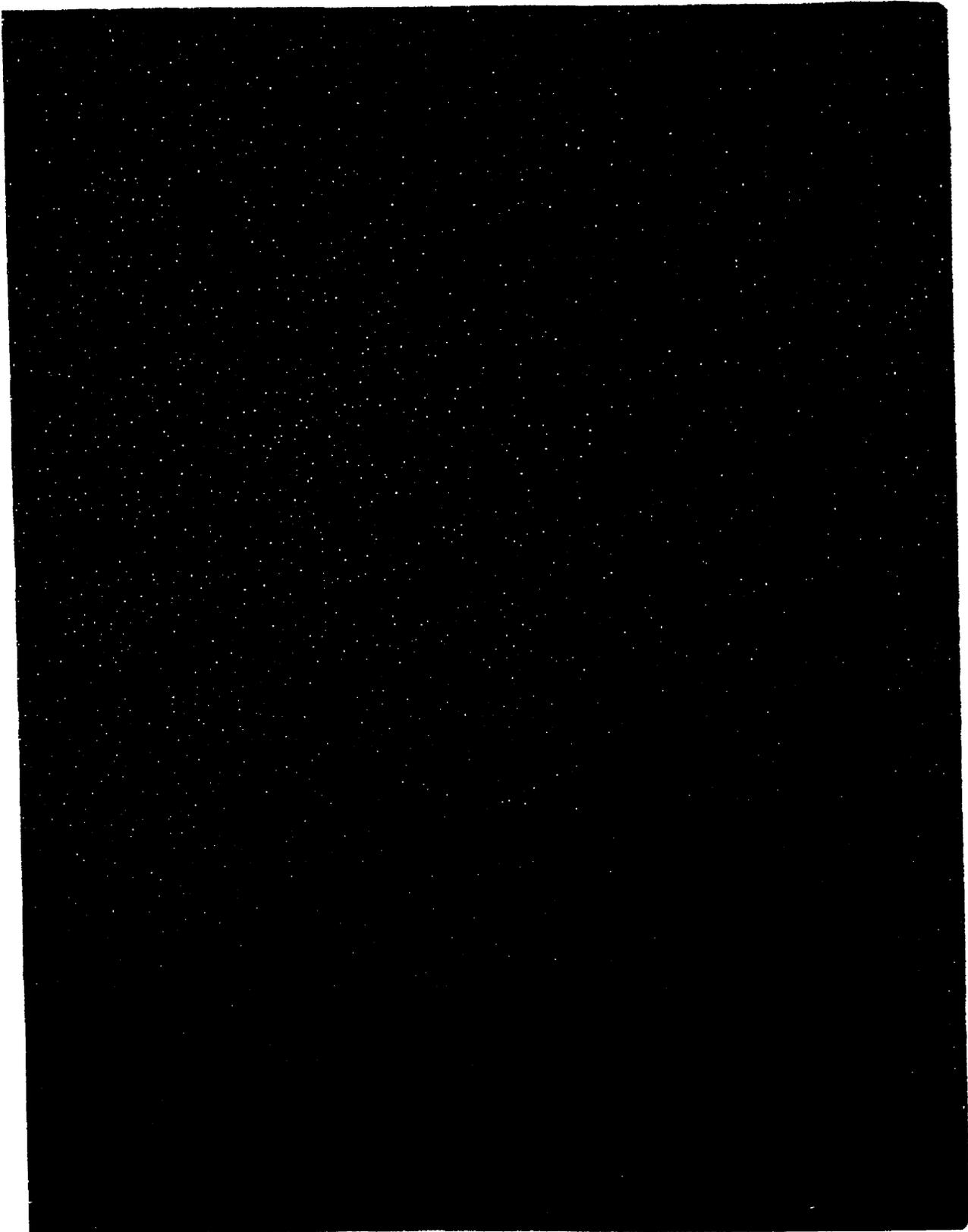
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OCTOBER 2001

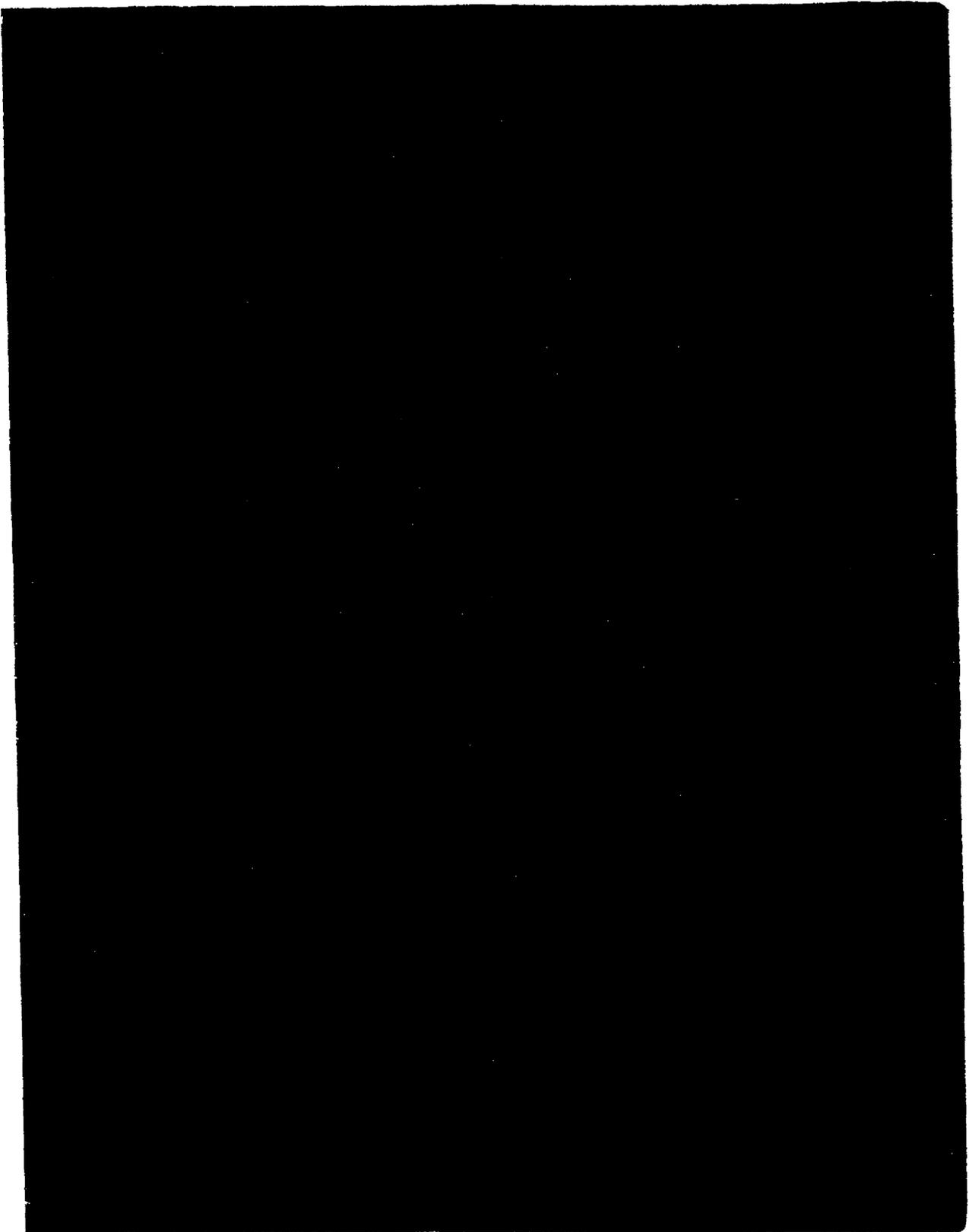
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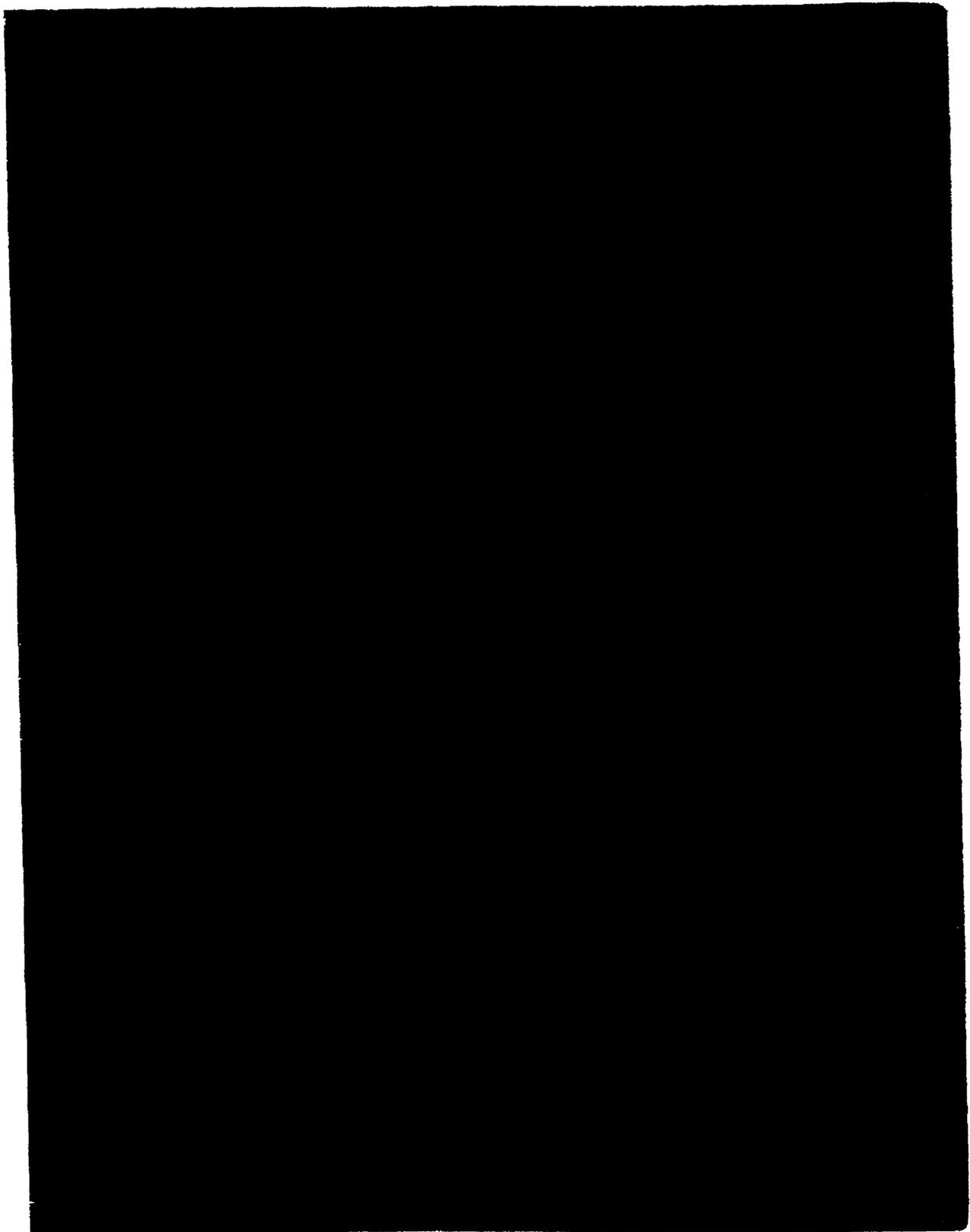
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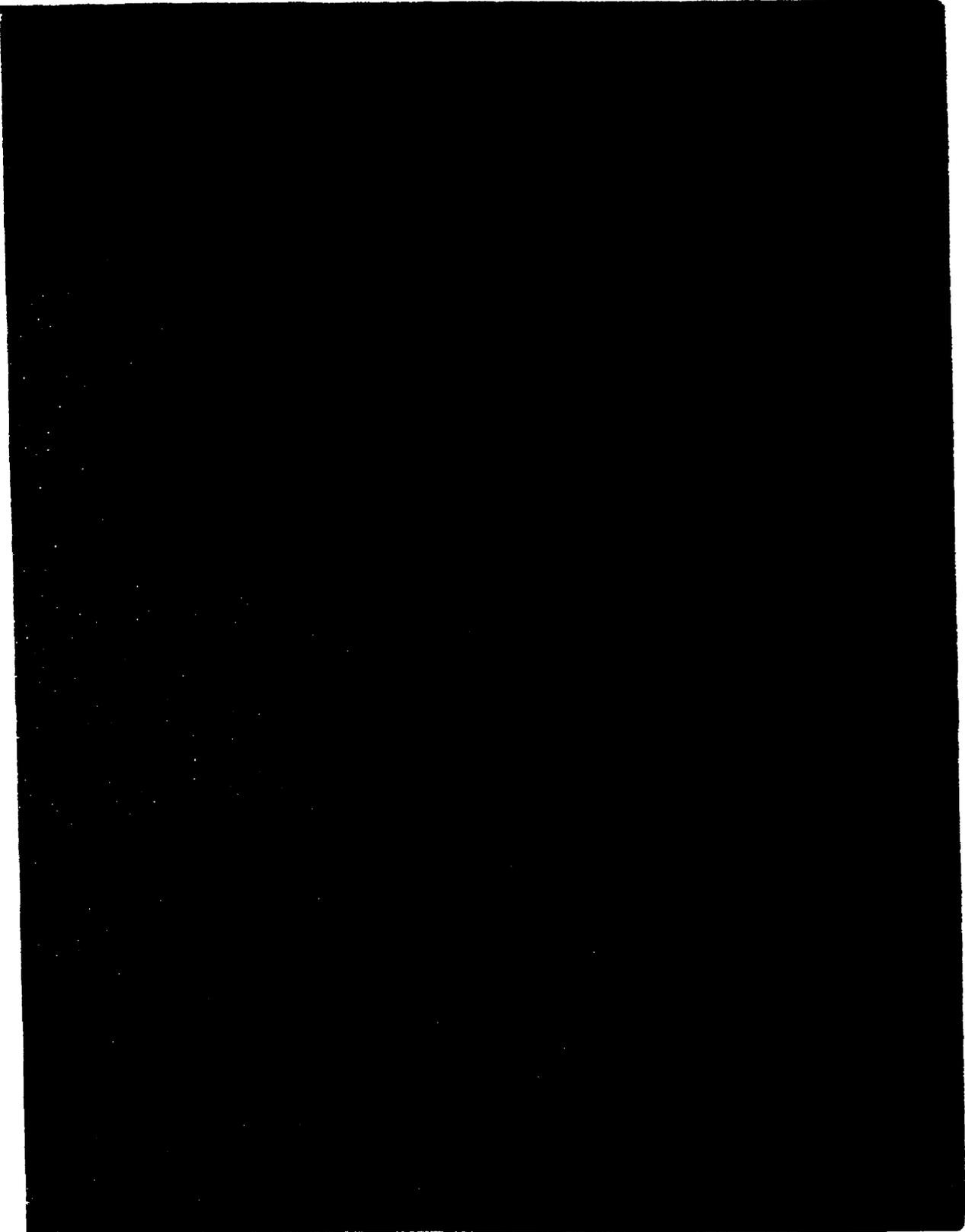
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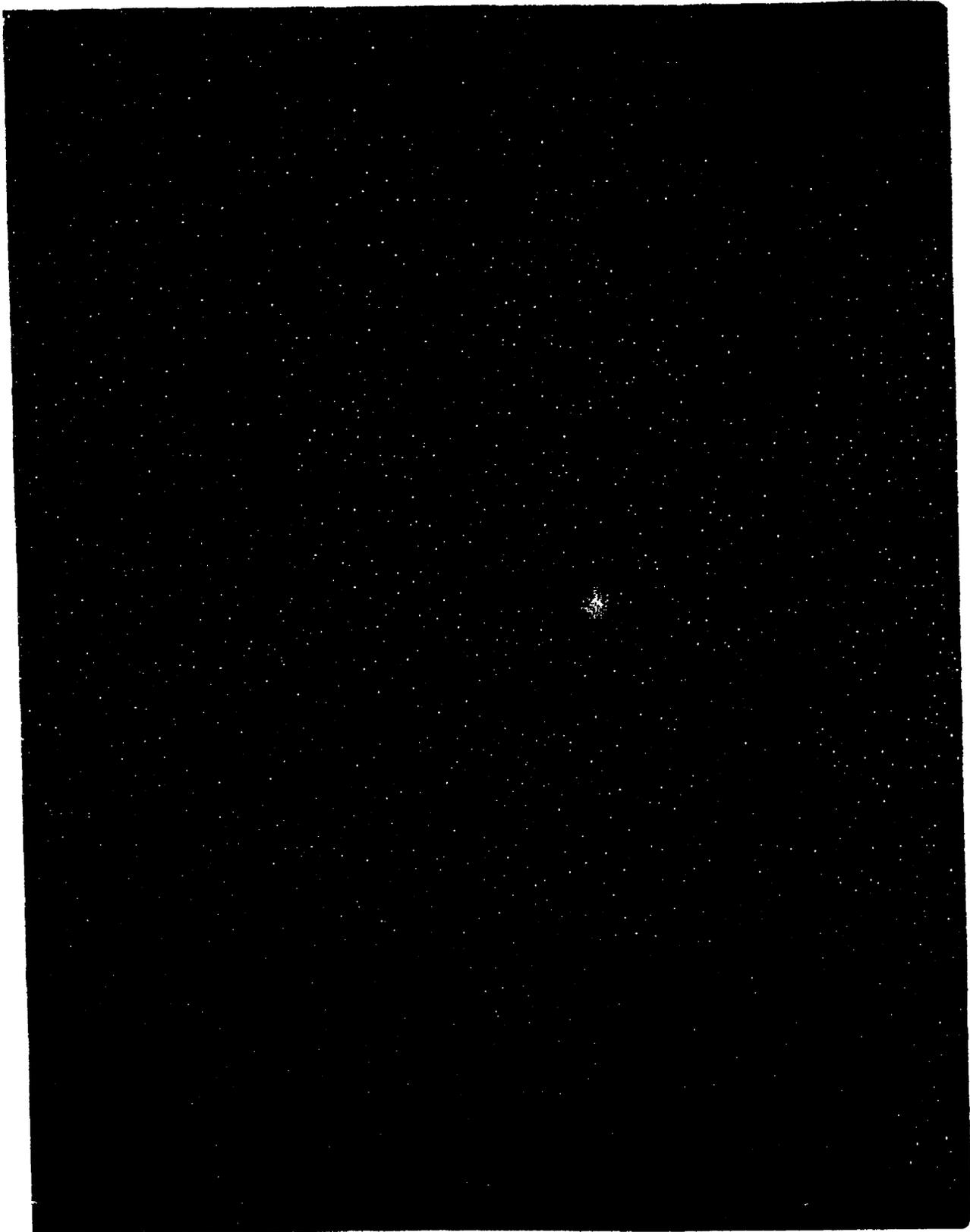
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P1







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PIL





Peter Clayton
08/10/01 11:23 AM

To: Scott Velasco/FPL FiberNet/FPL@FPL
cc:
Subject: Fiber Revenues - April 2000

Peter Clayton
FPL FiberNet LLC
9250 West Flagler Street
Miami, FL 33174
phone: (305) 552-4475
fax: (305) 229-5959
peter_clayton@fpl.com

----- Forwarded by Peter Clayton/FNR/FPL on 08/10/01 11:23 AM -----

Peter Clayton
05/03/00 04:05 PM

To: Tom Kelliher@FPL
cc: Sol Stamm, David Eckmann/IM/FPL@FPL, Joe Ferre/IM/FPL@FPL,
Don Babka@FPL, Winnie Lohmann@FPL
Subject: Fiber Revenues - April 2000

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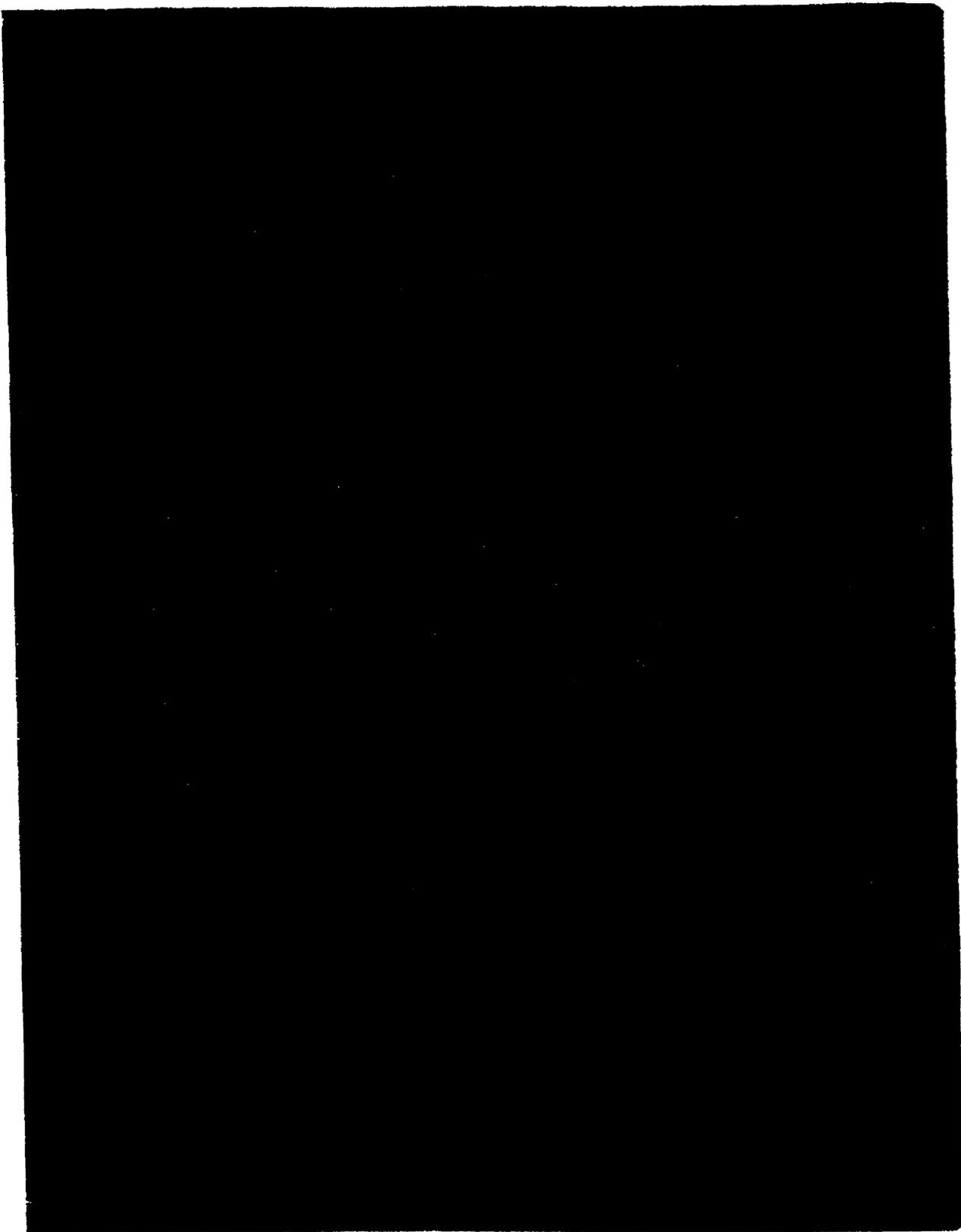
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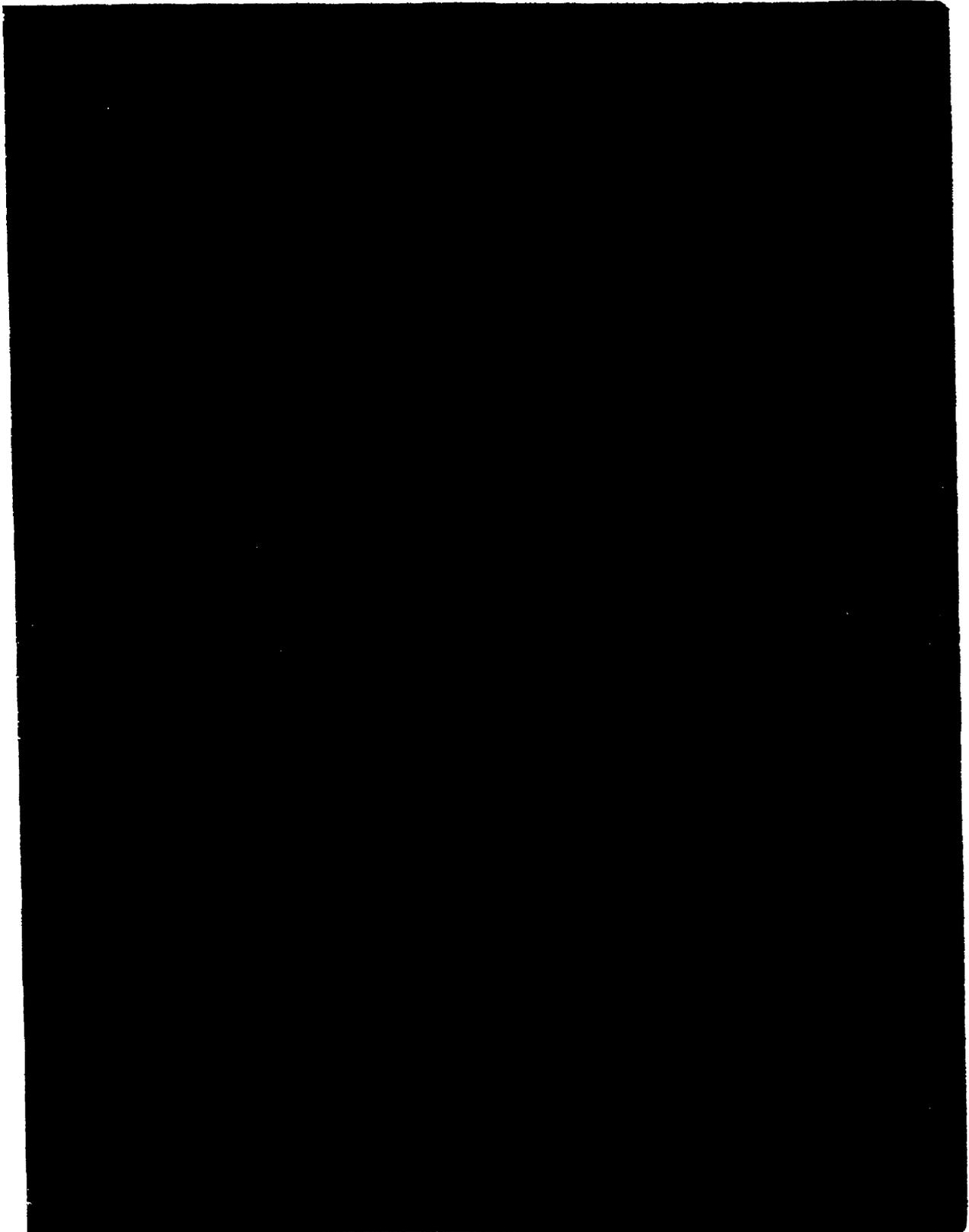
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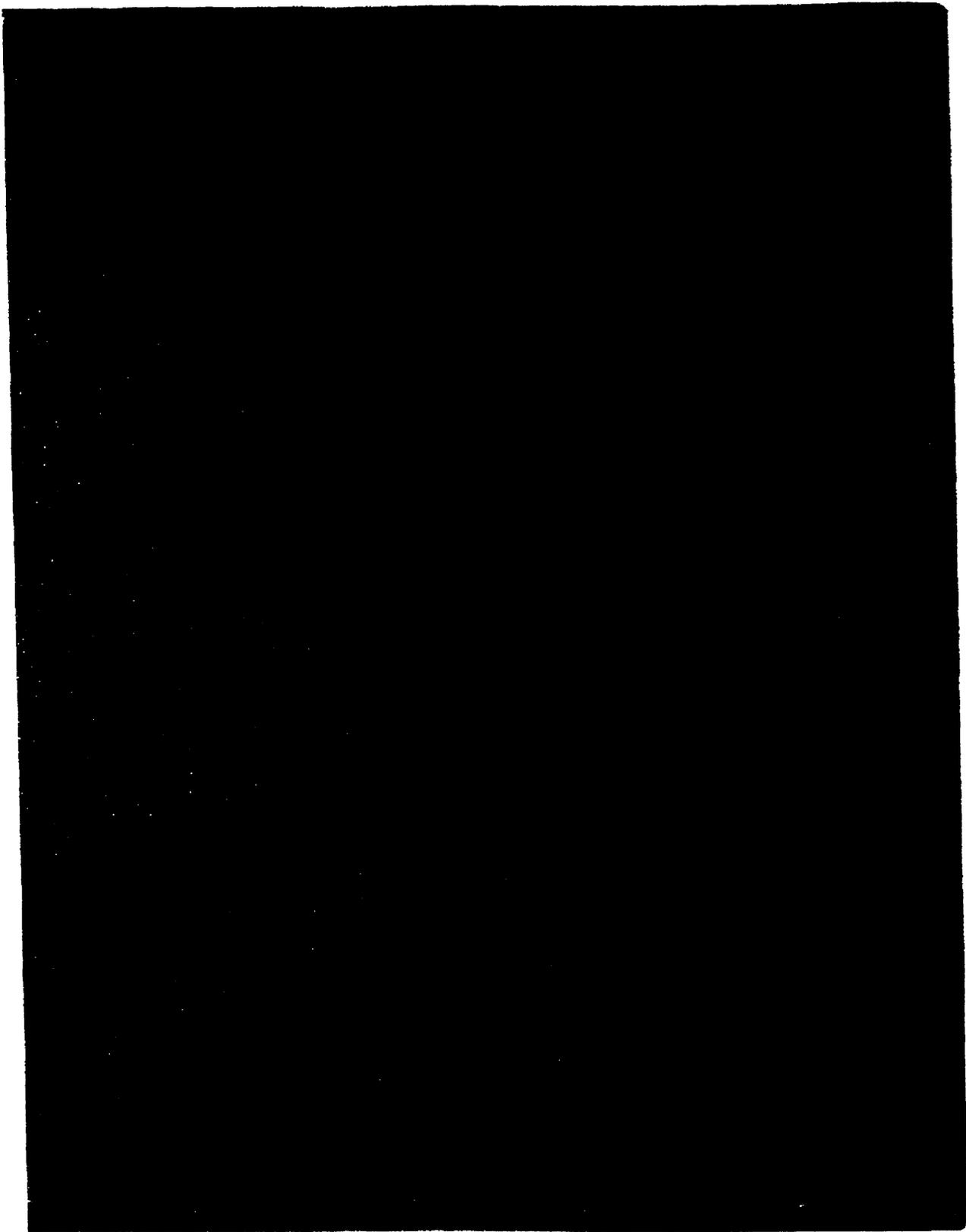
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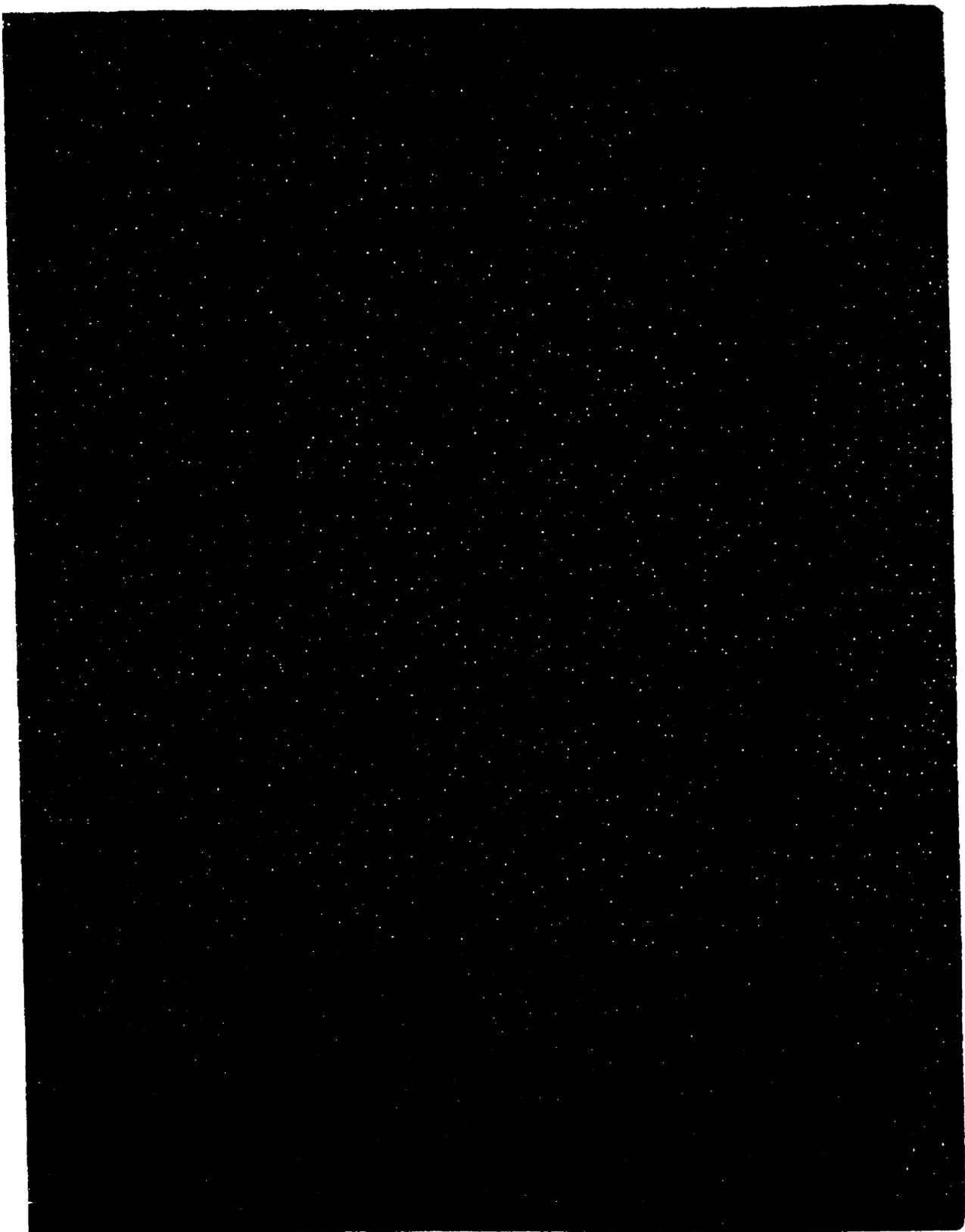
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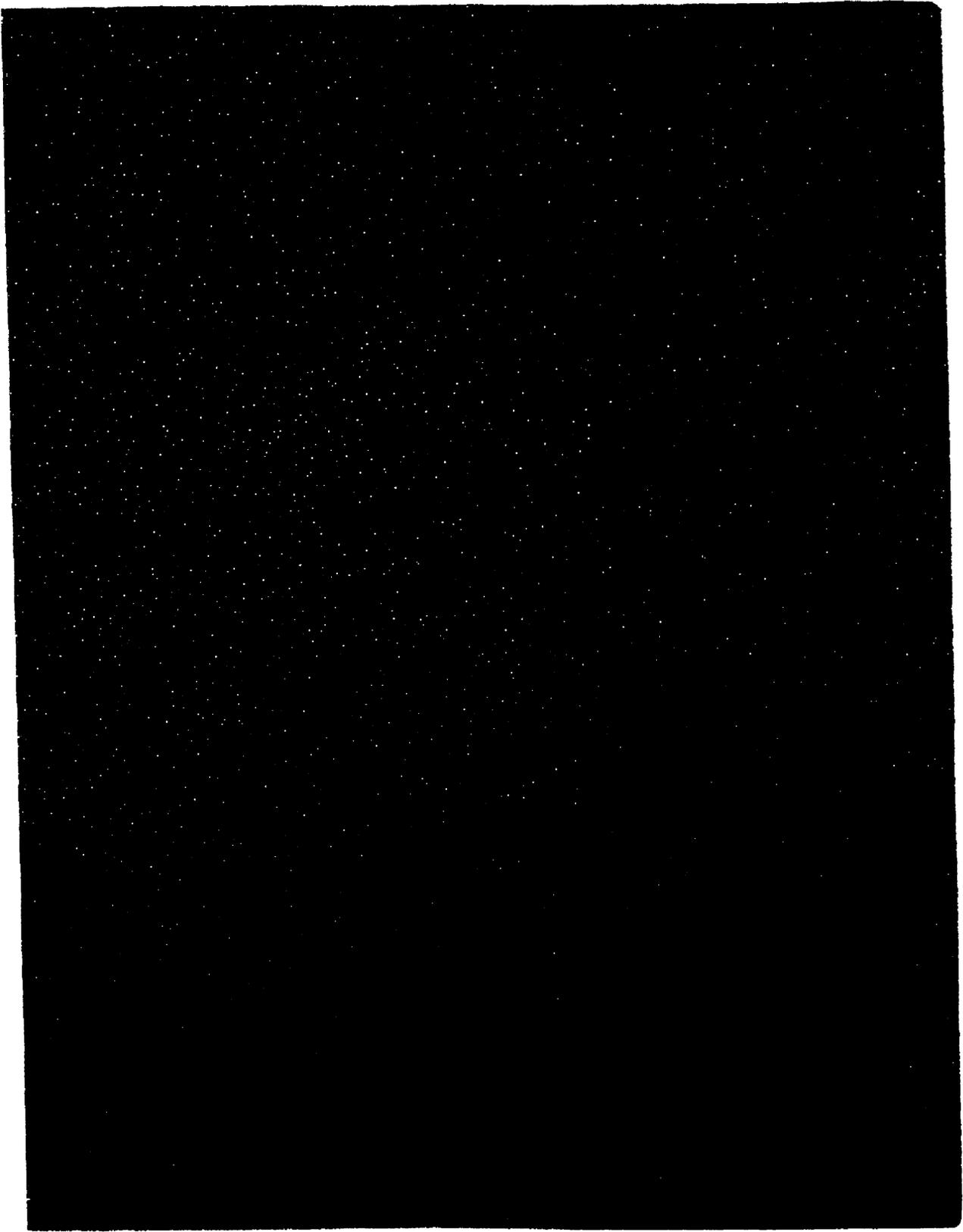


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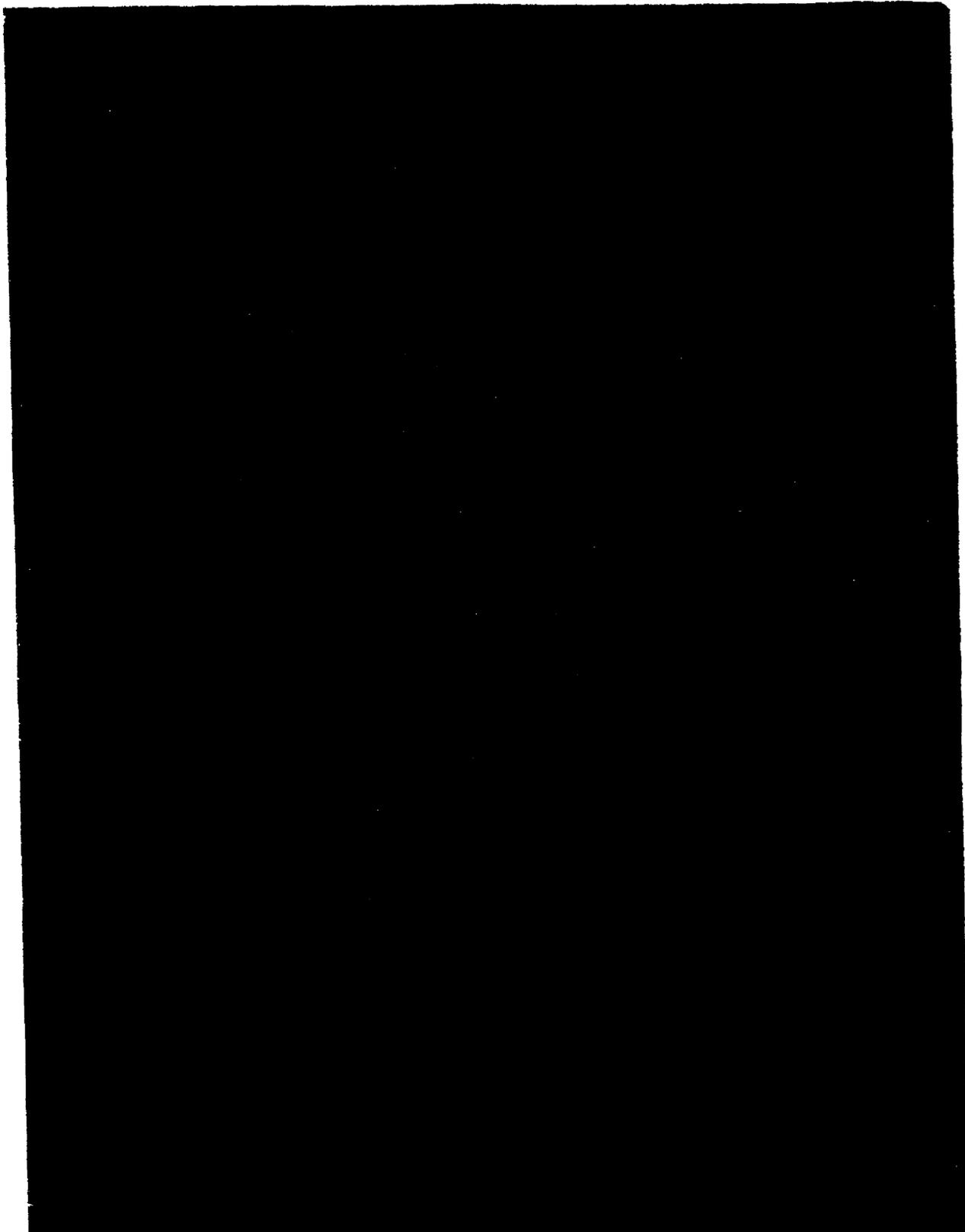


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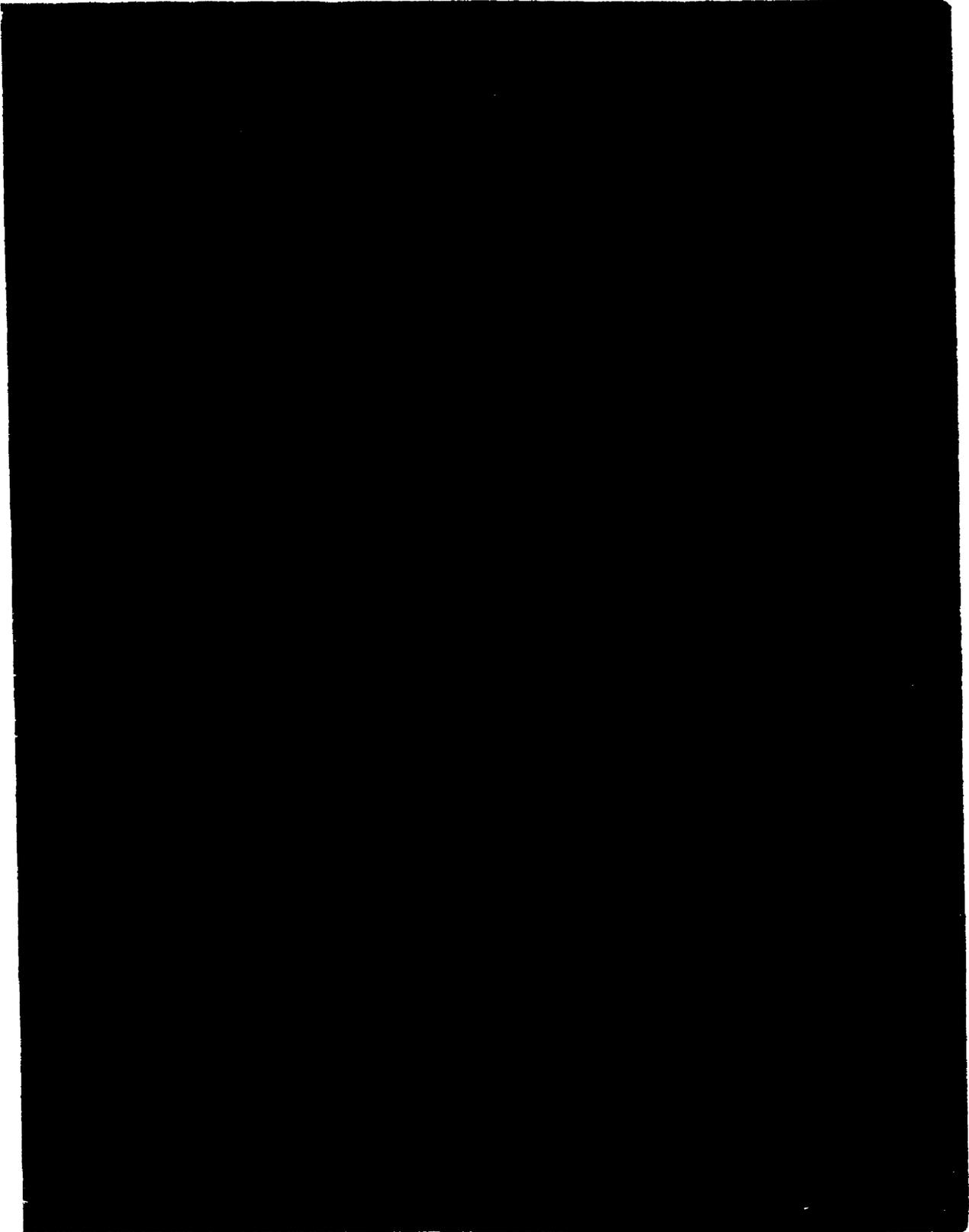


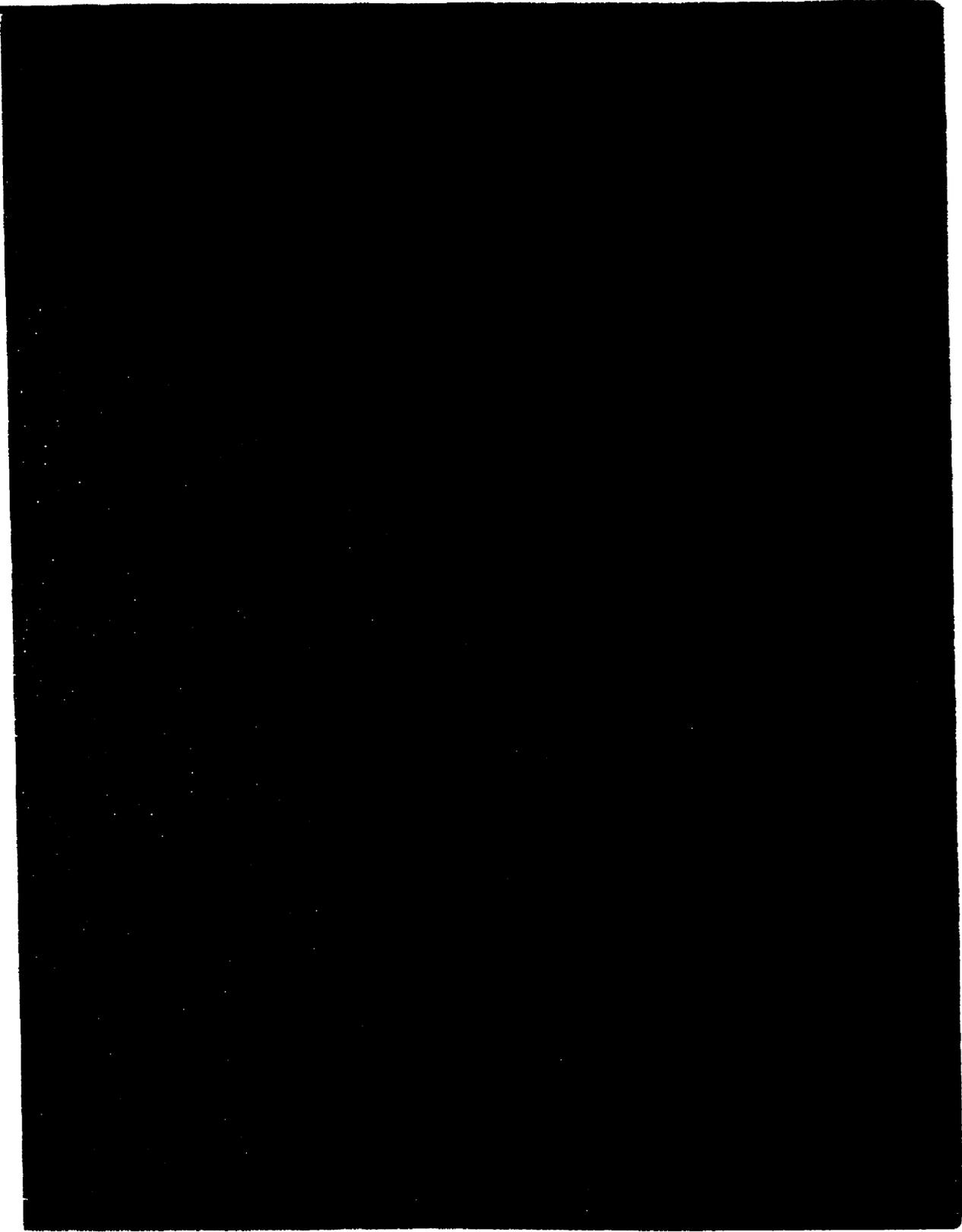


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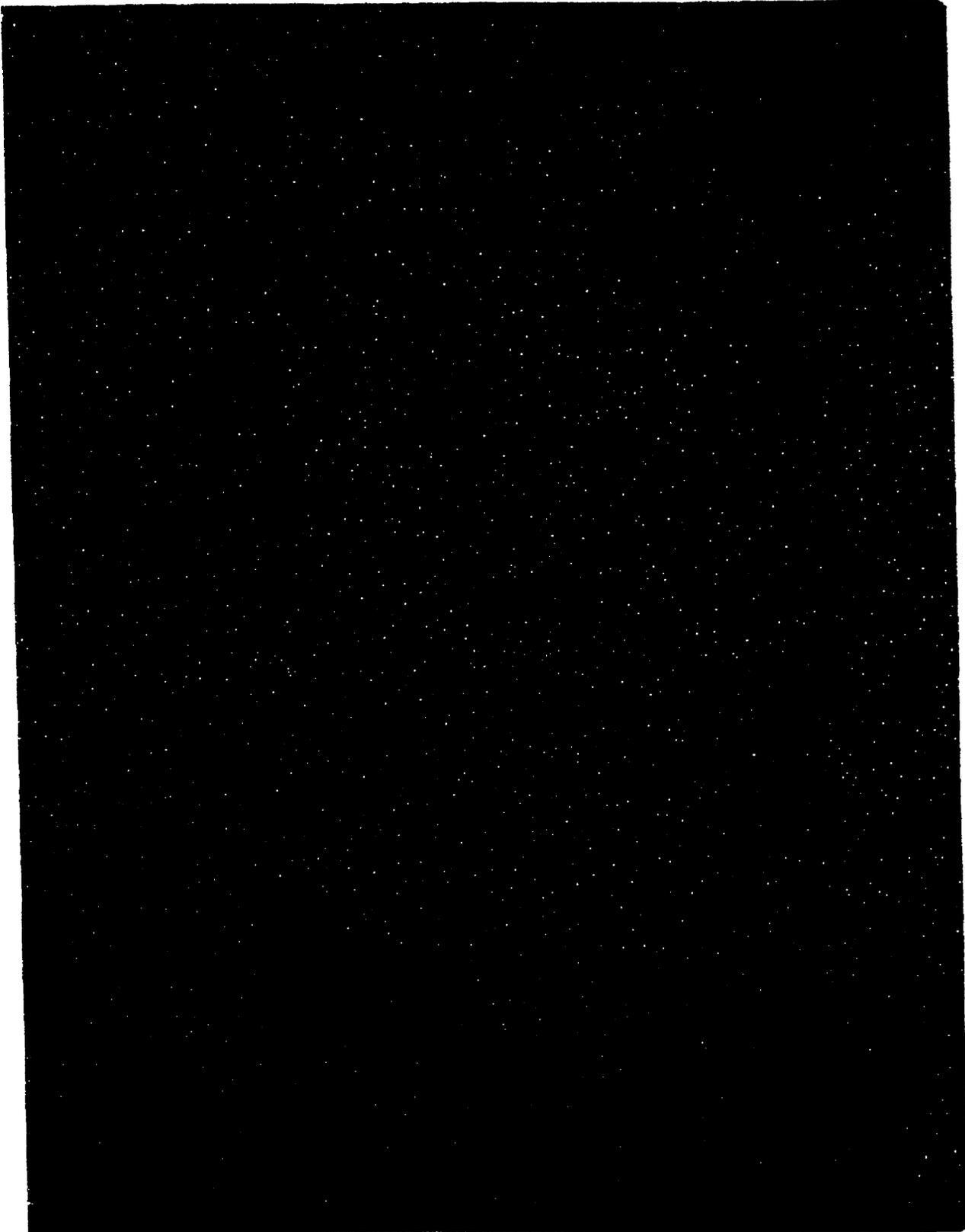


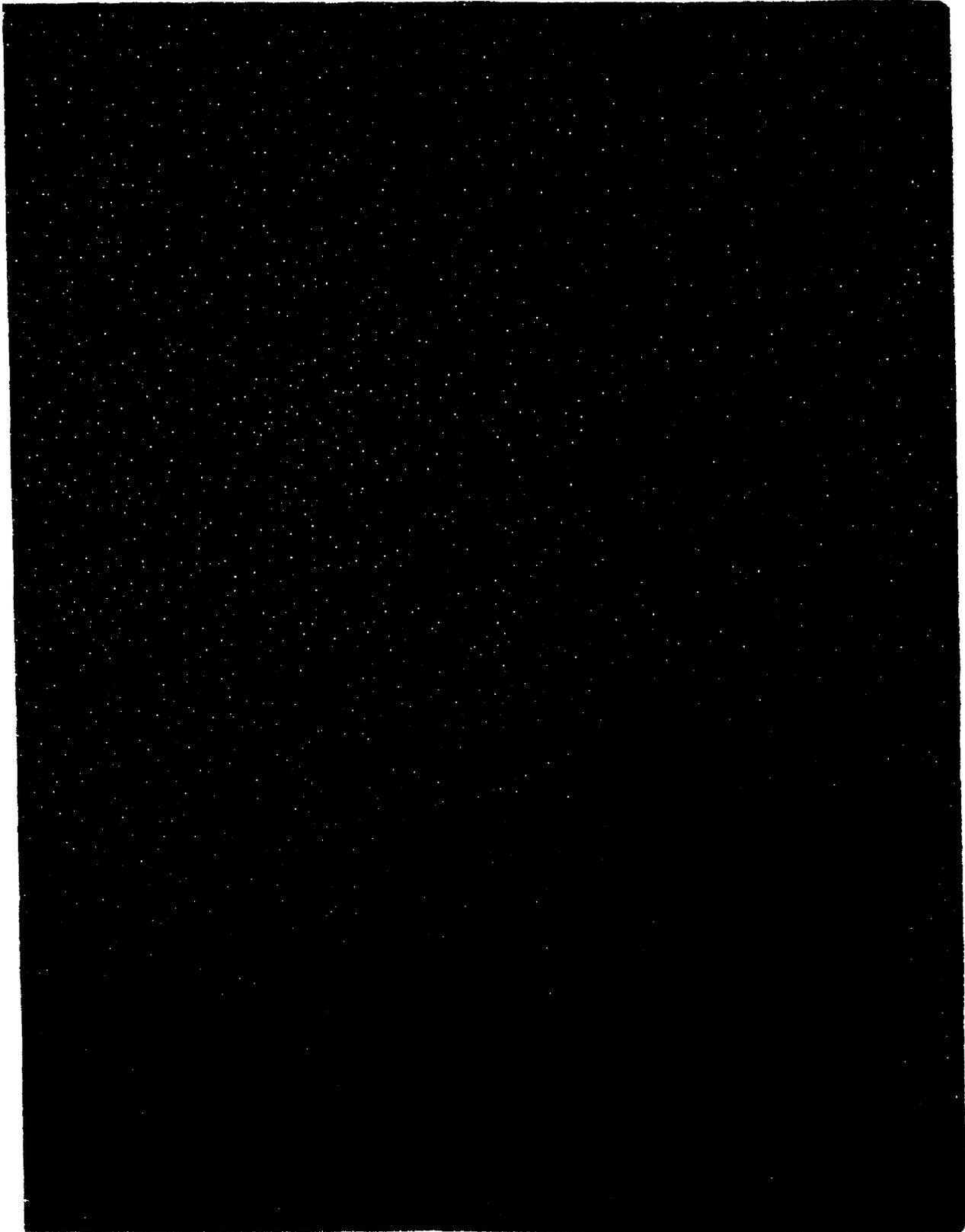
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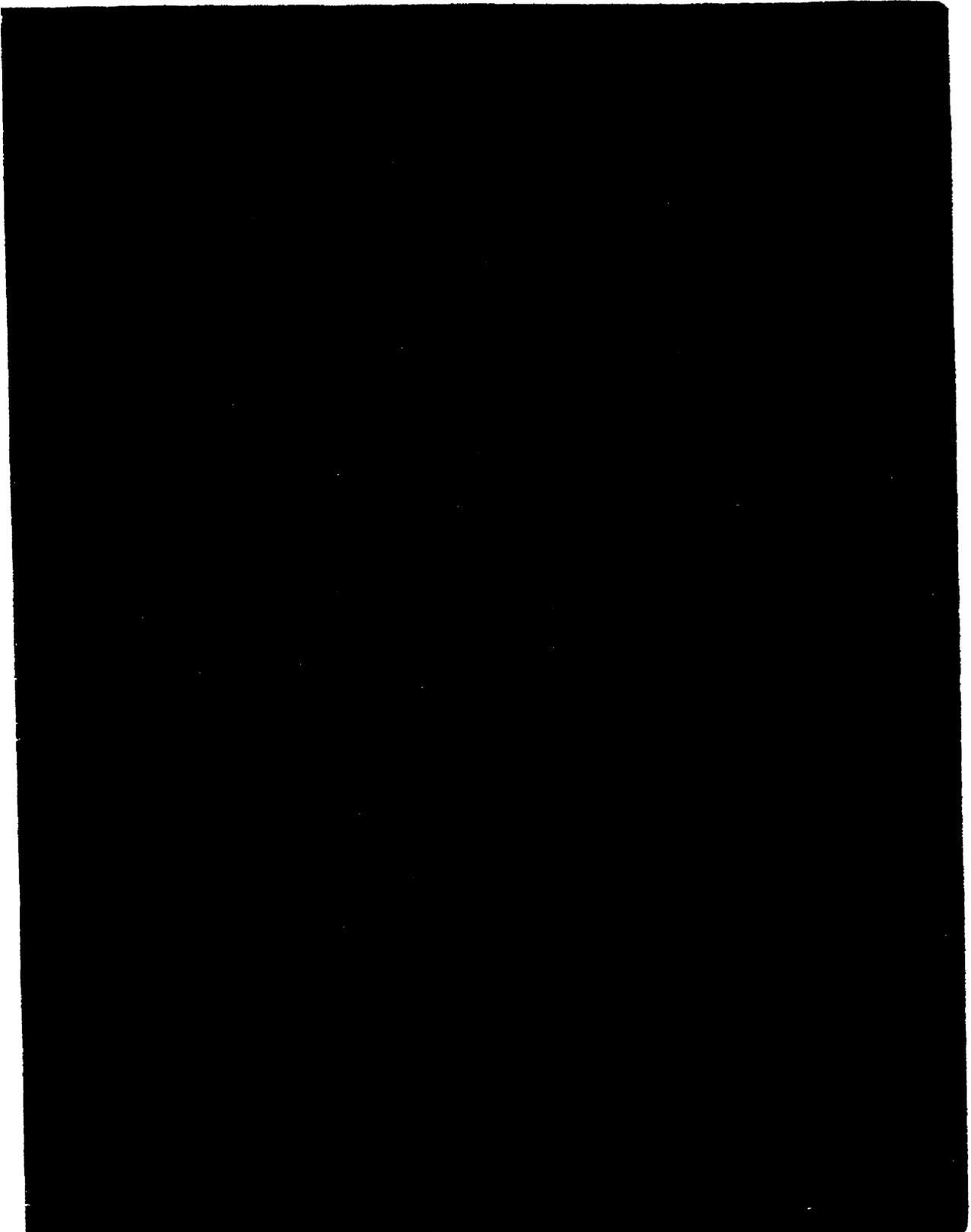


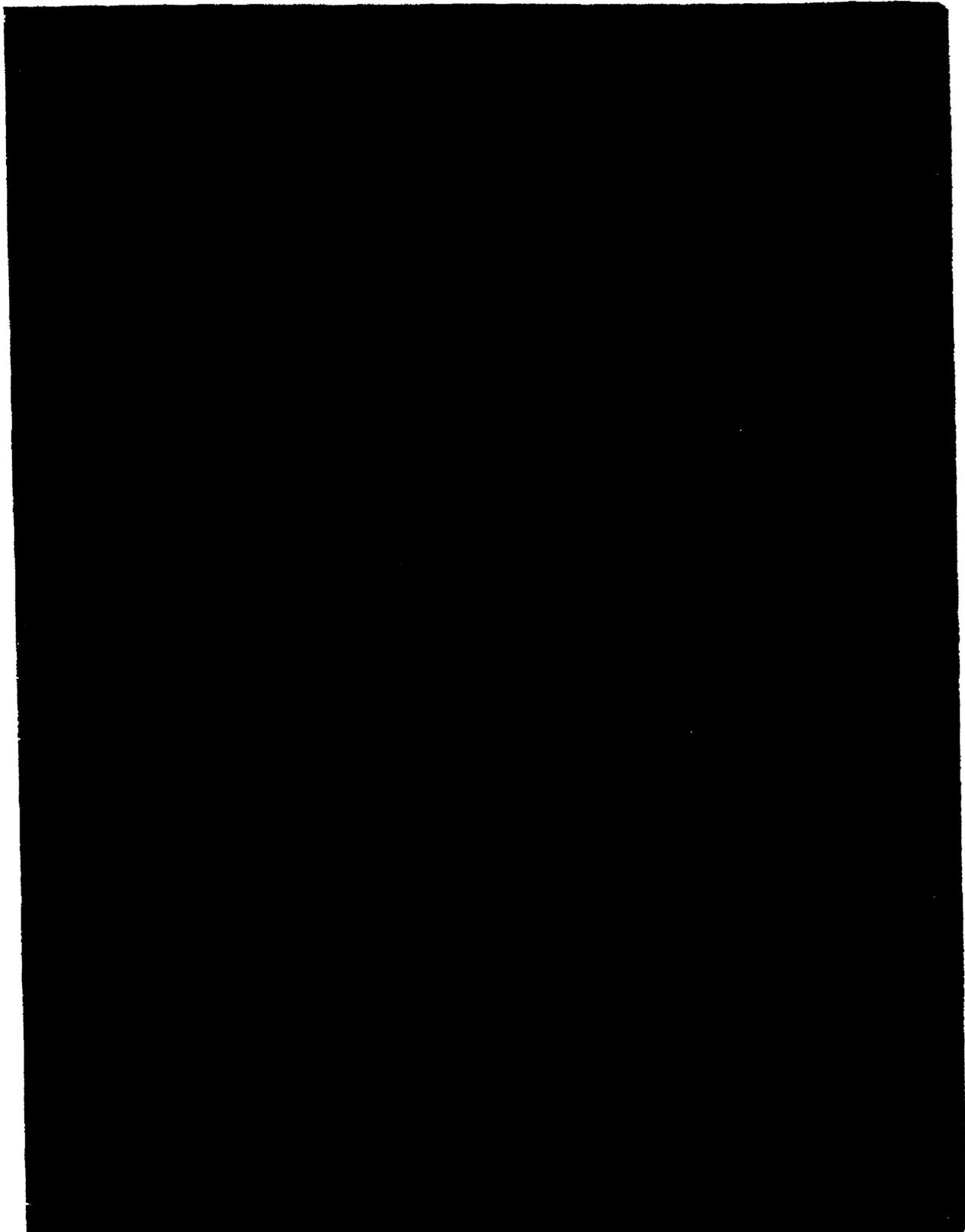


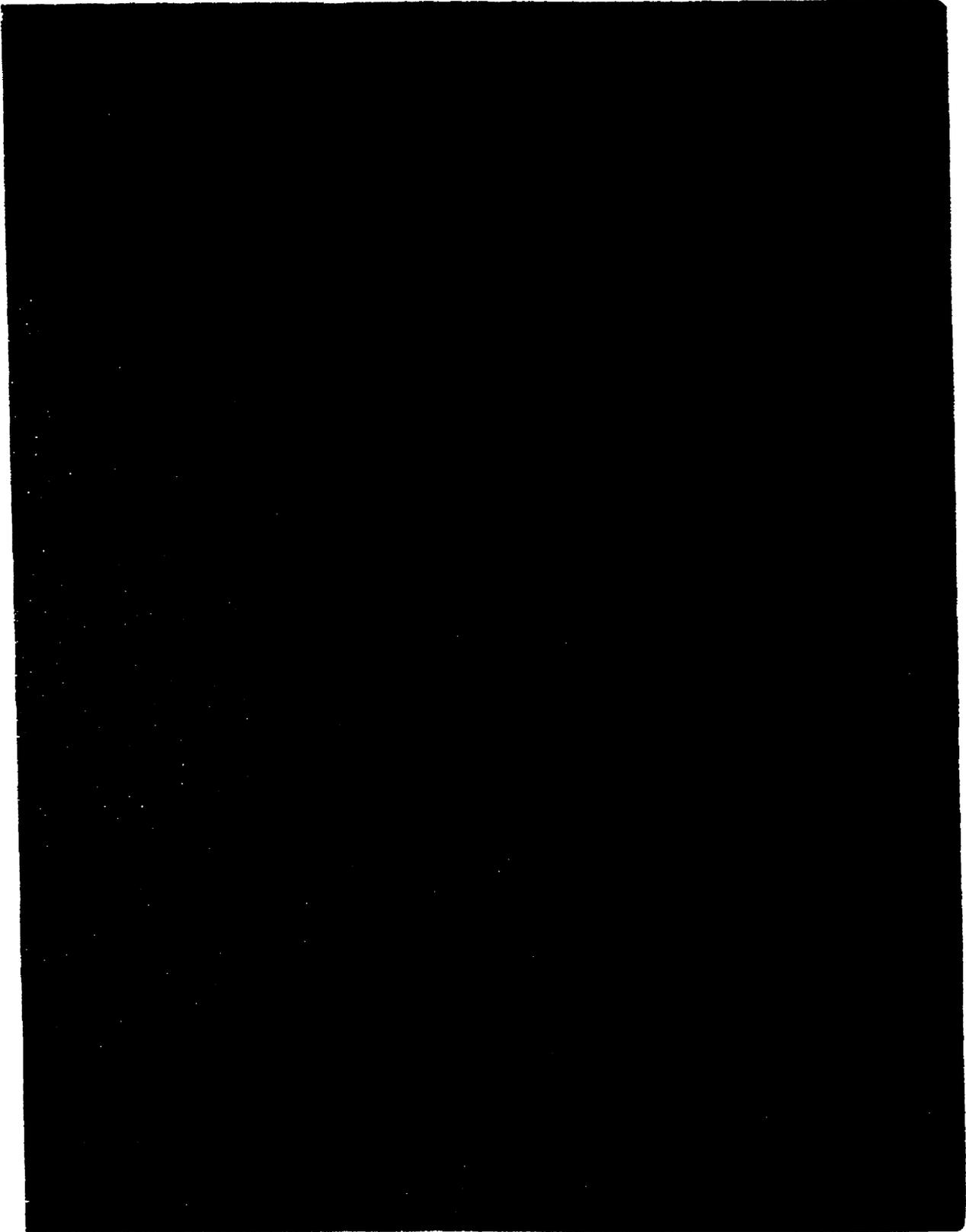
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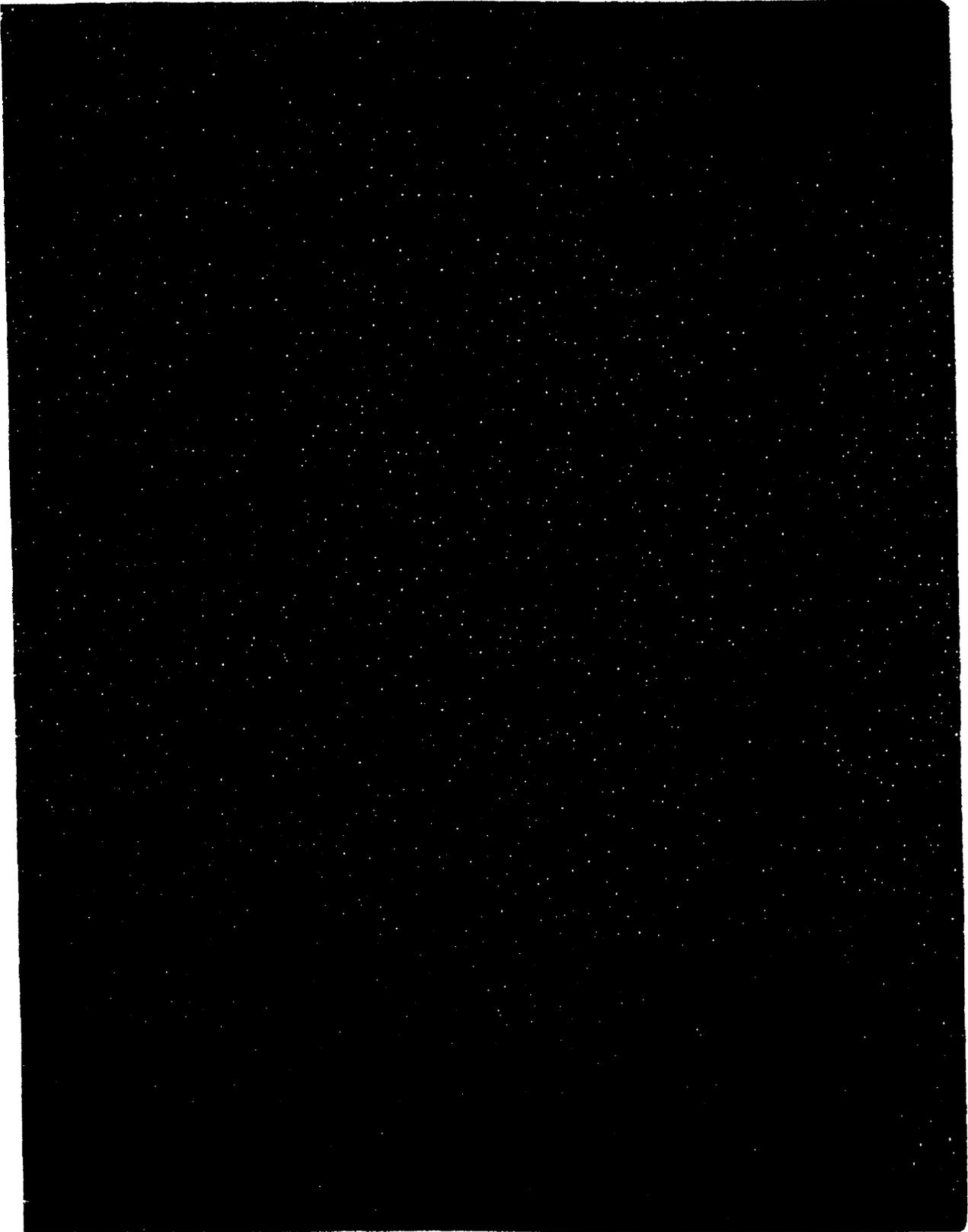


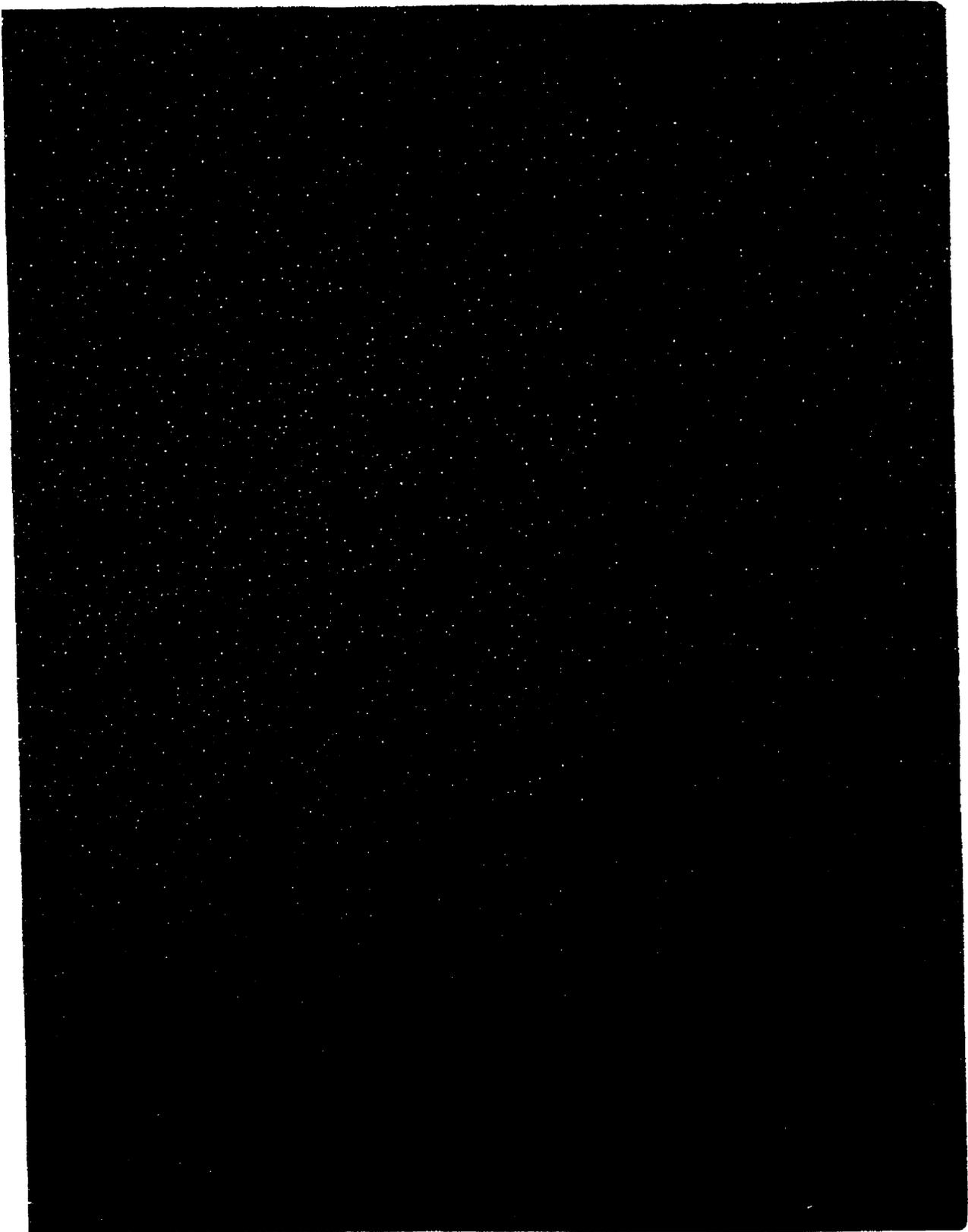




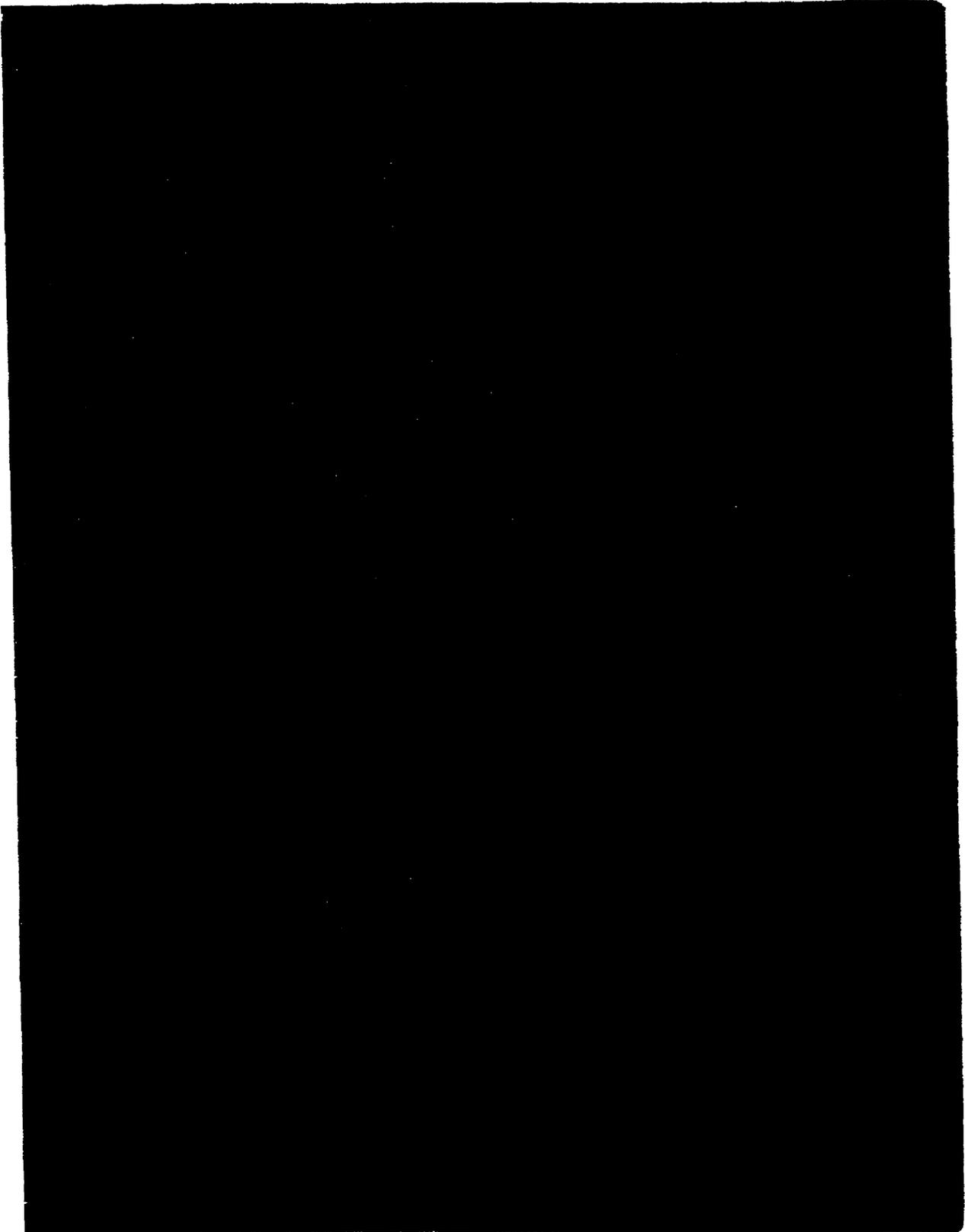


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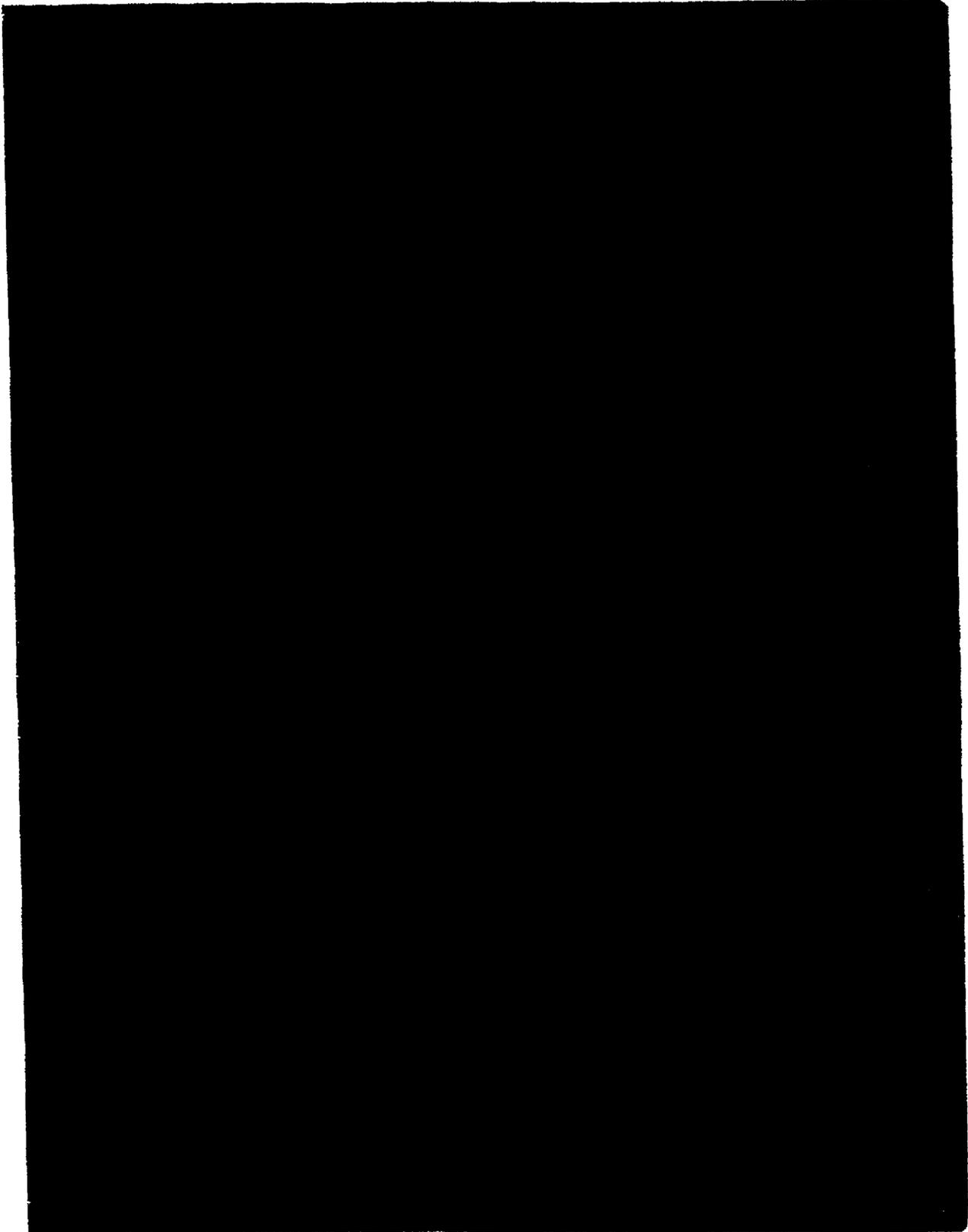


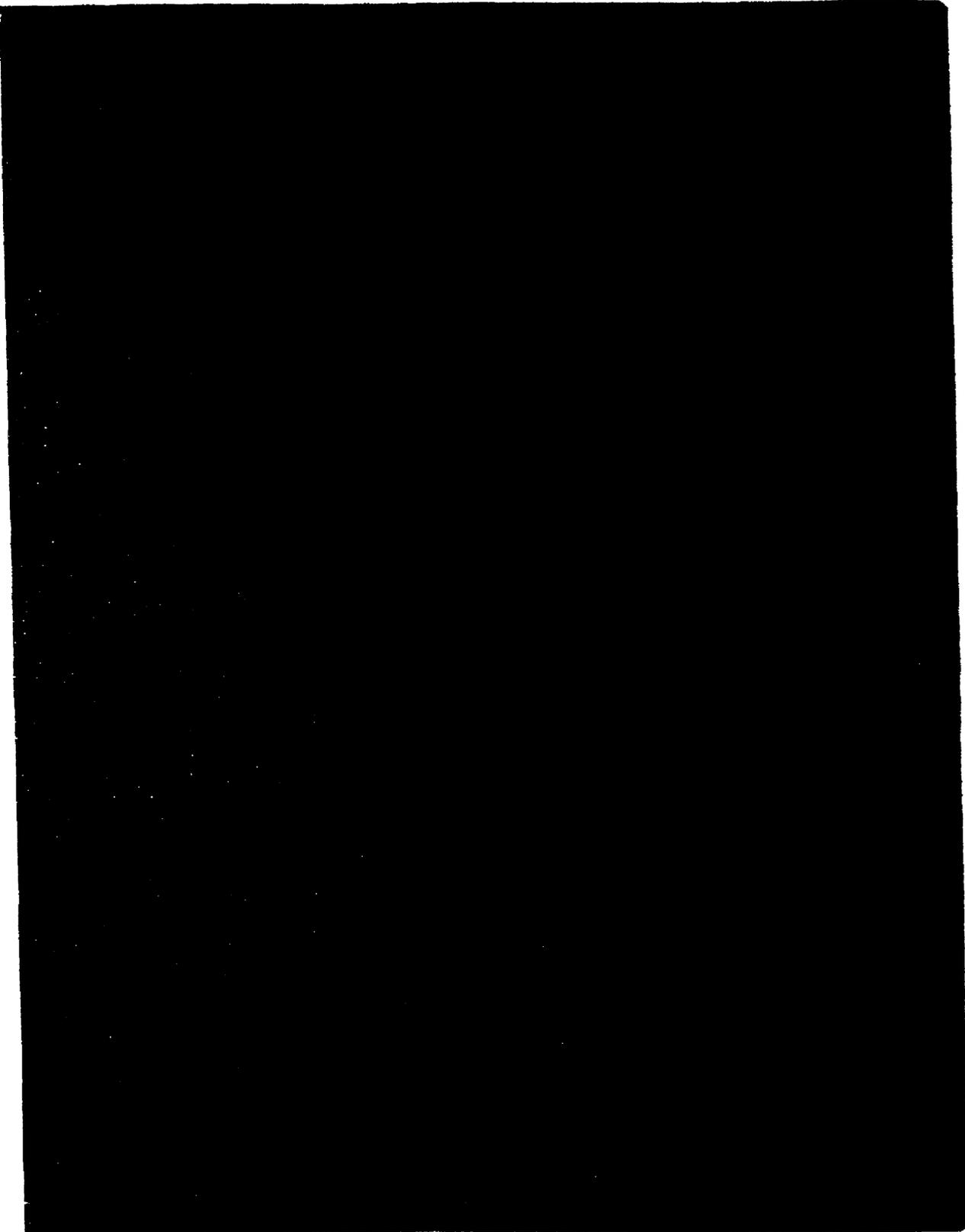


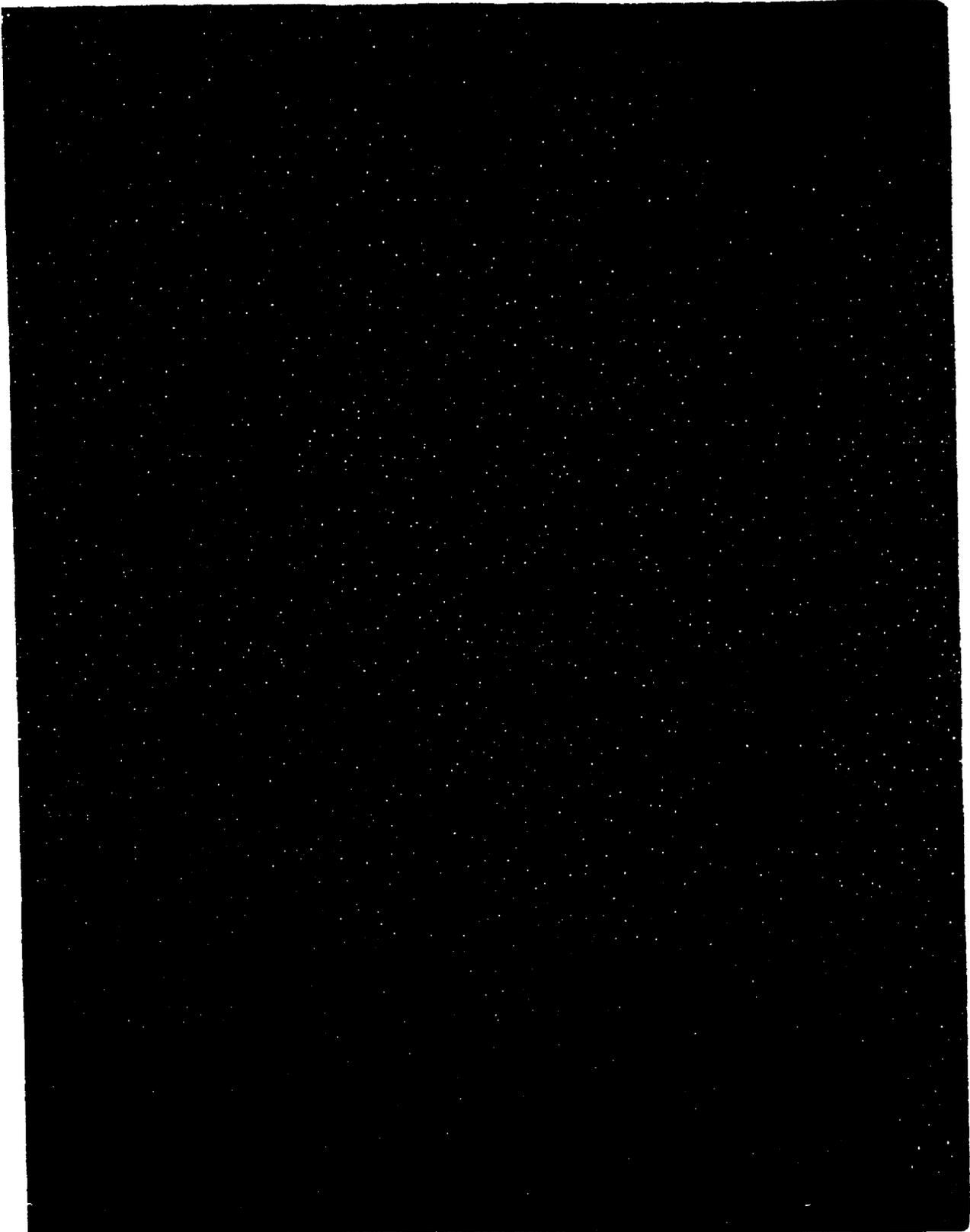
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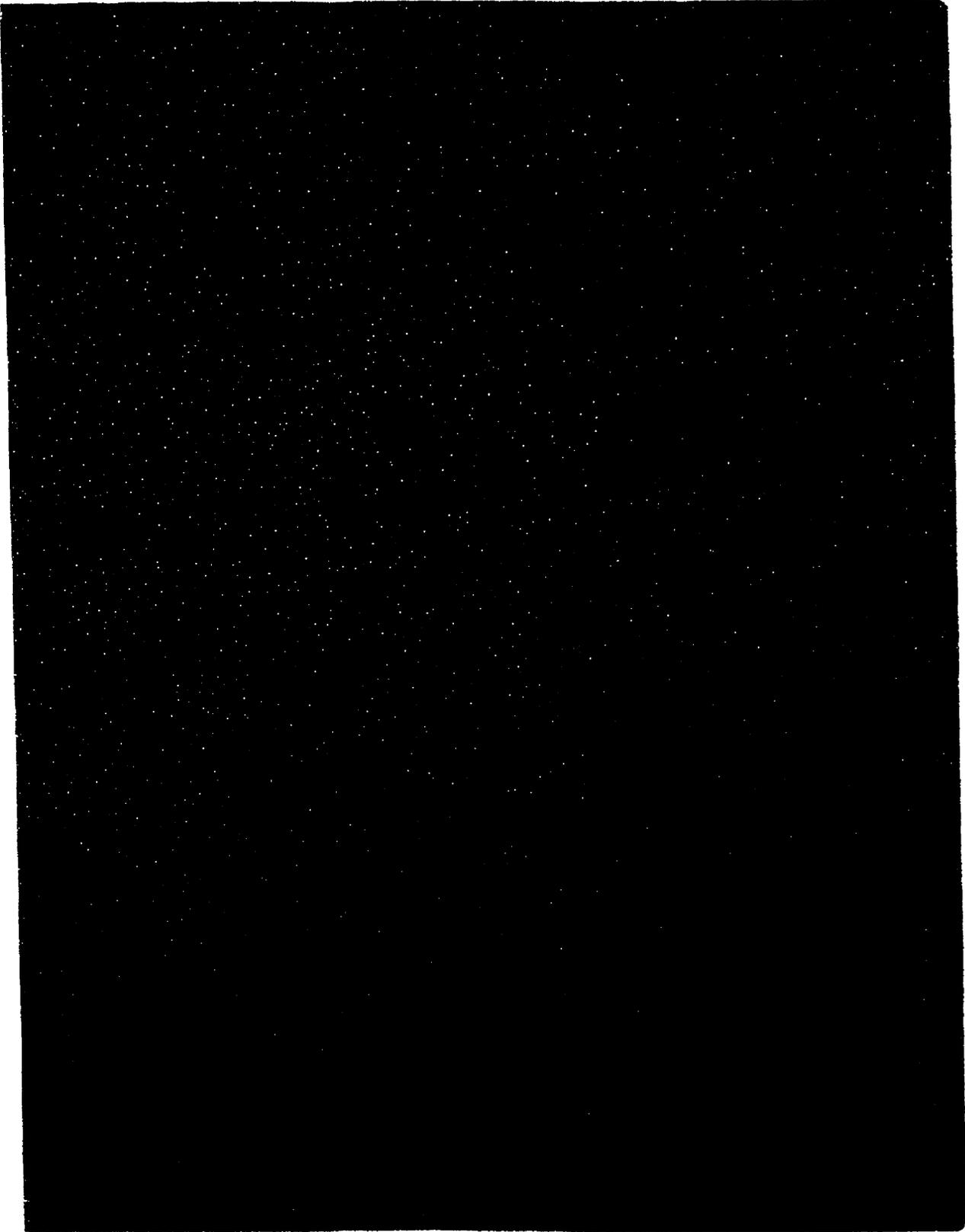


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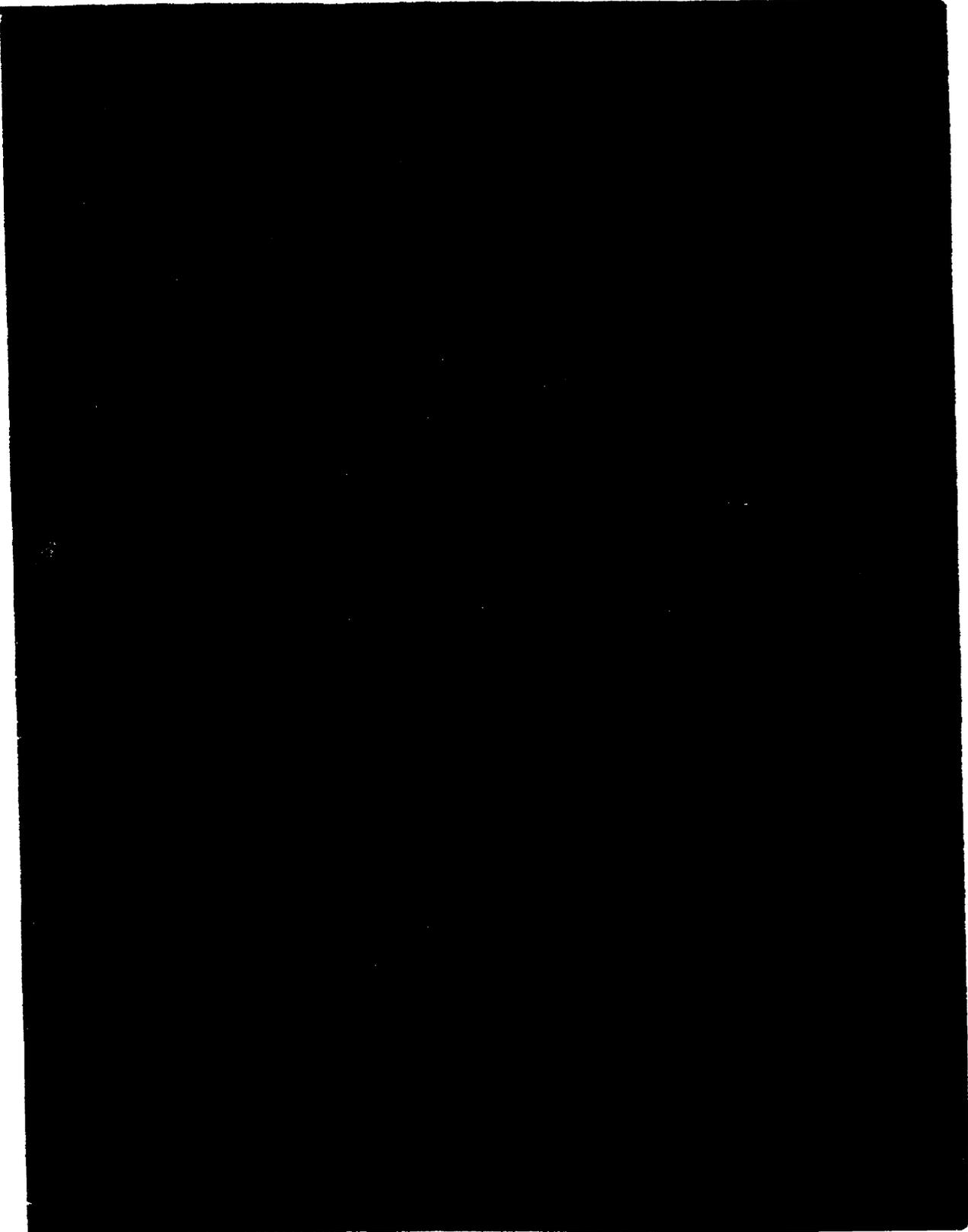






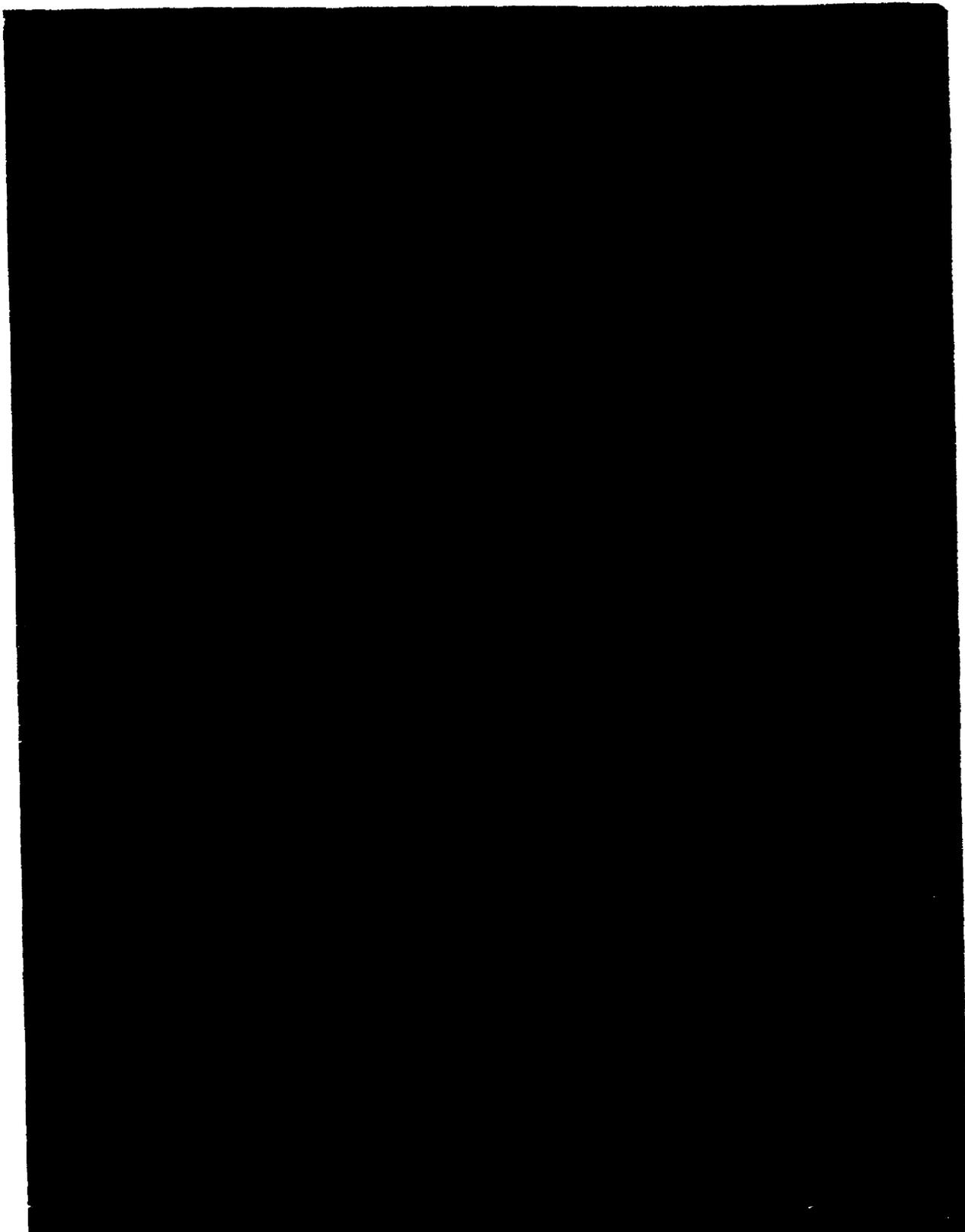


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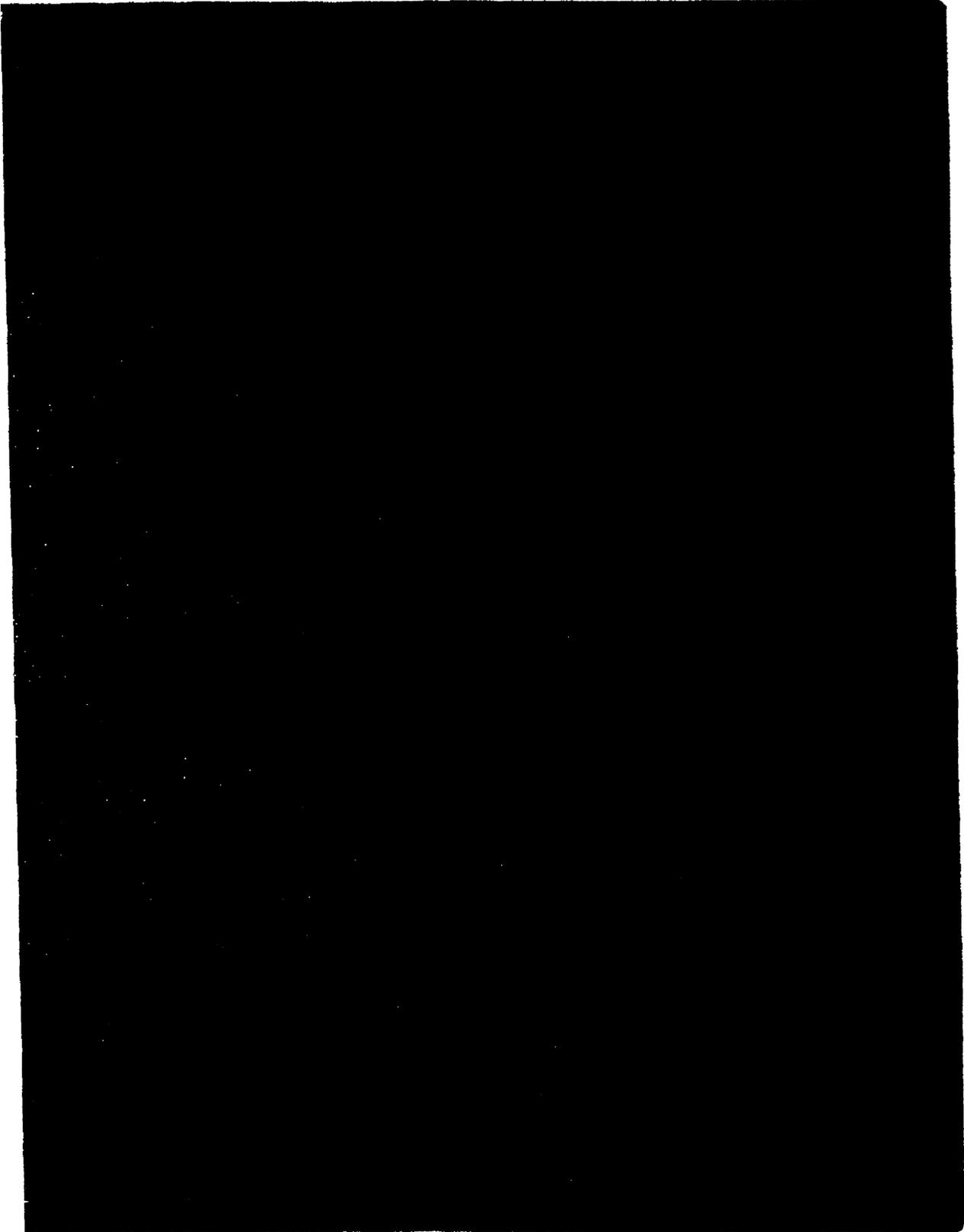
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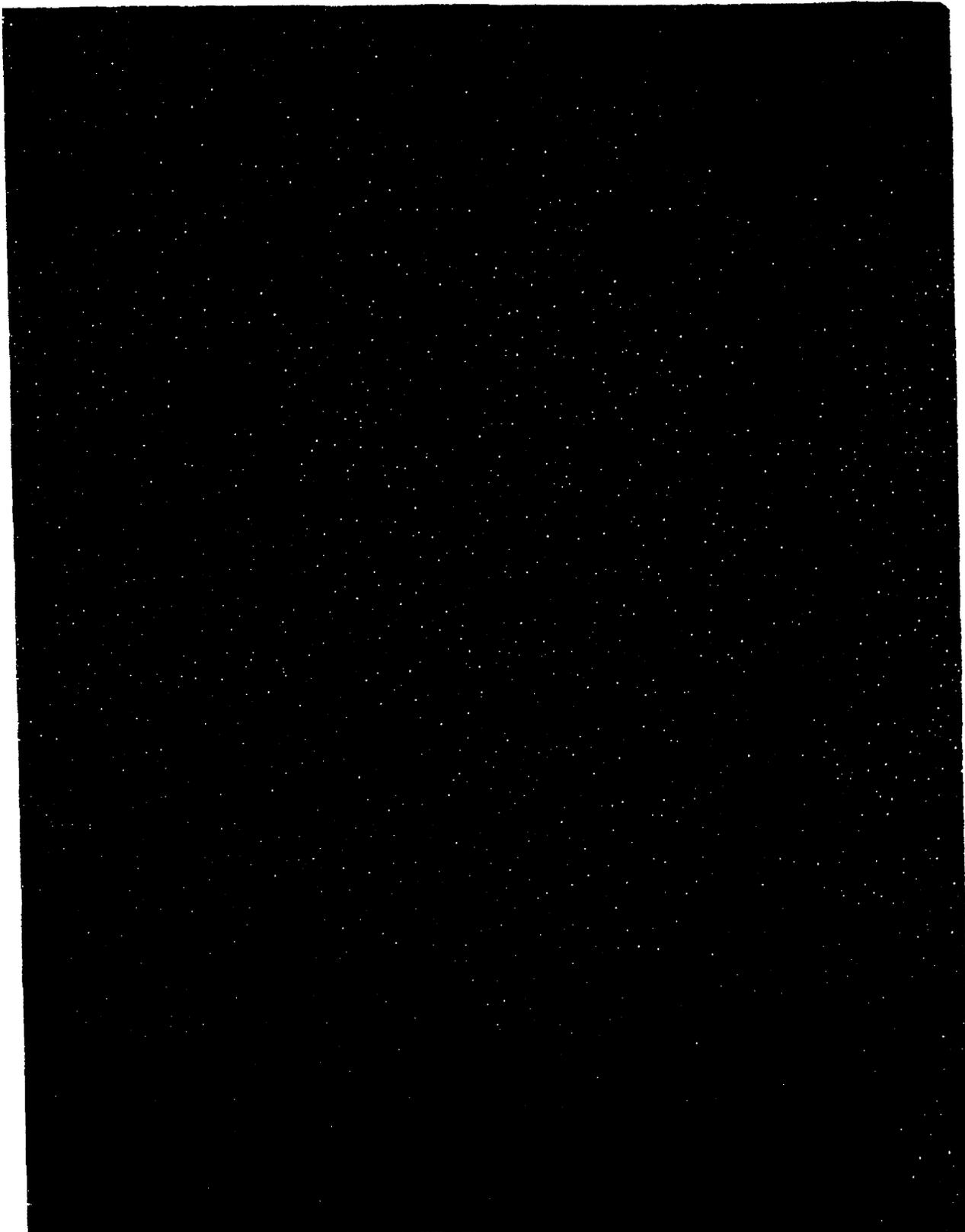
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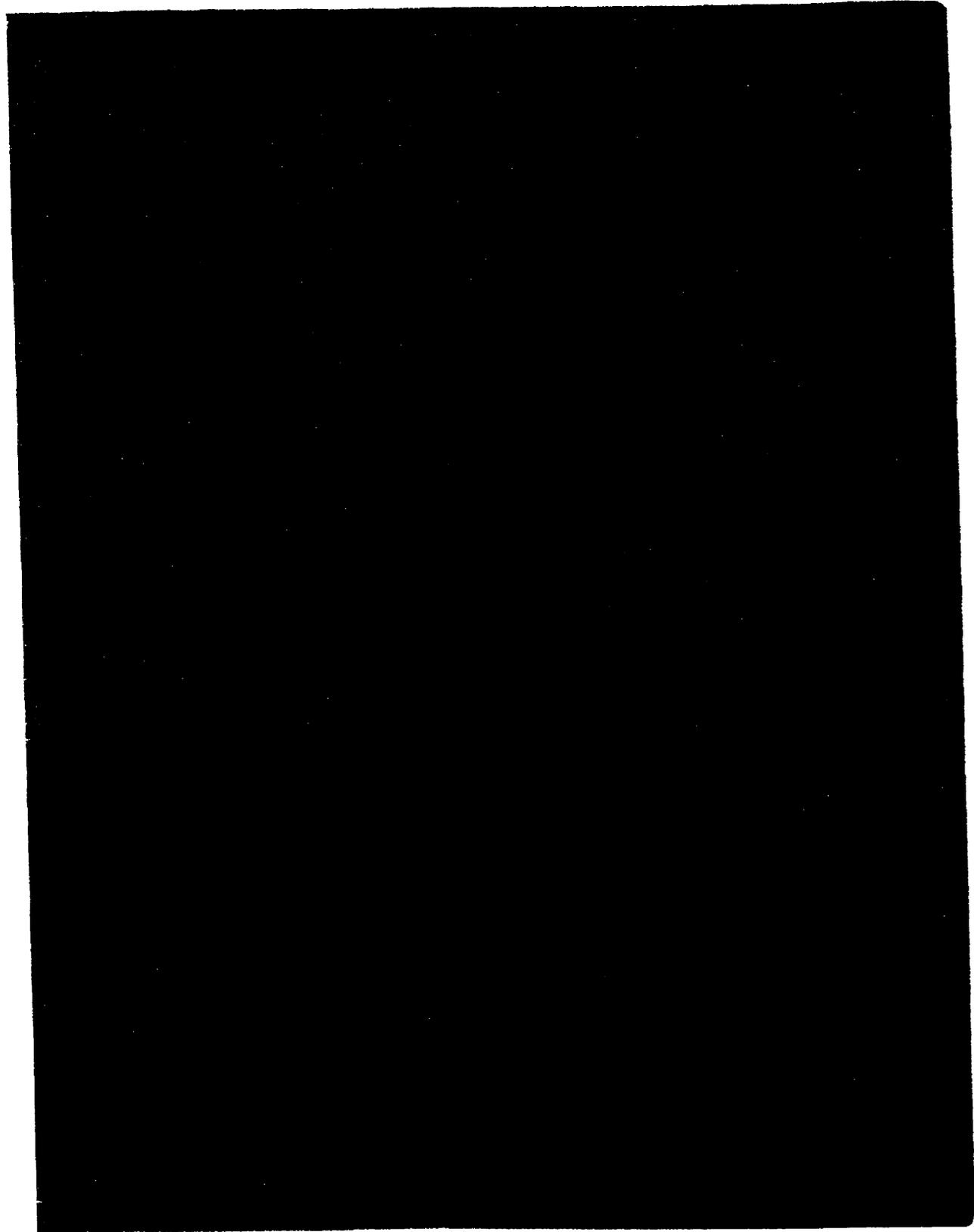
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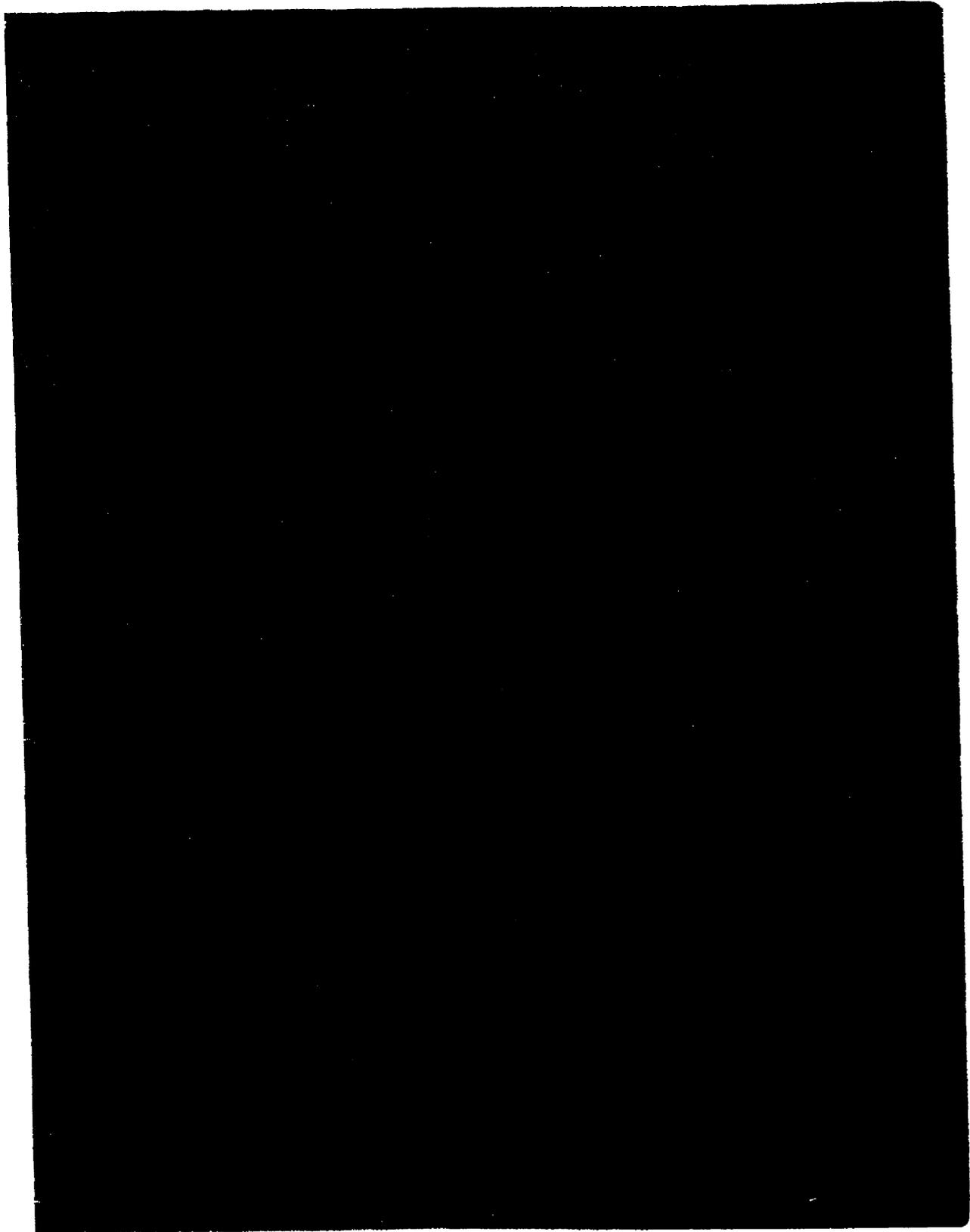
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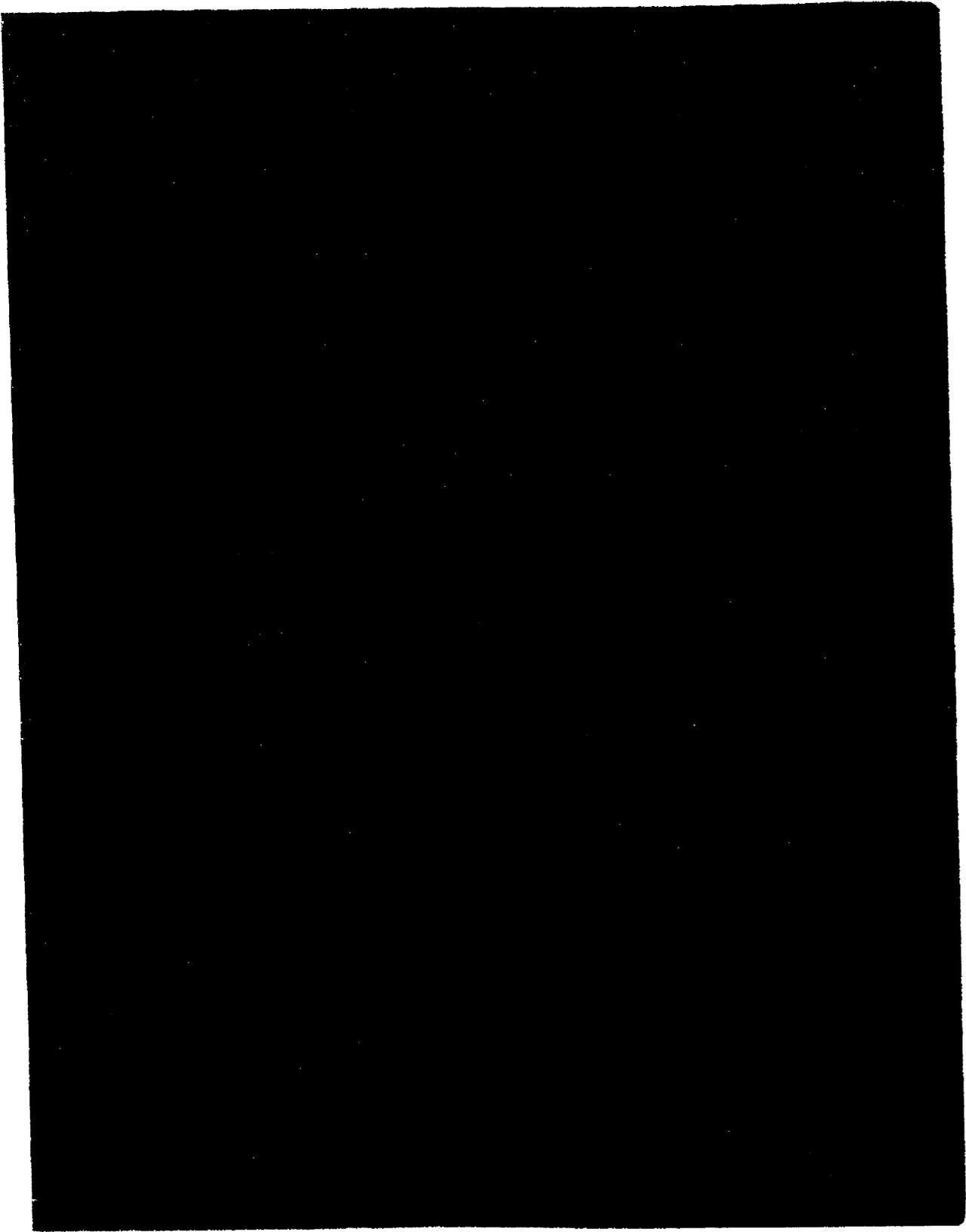




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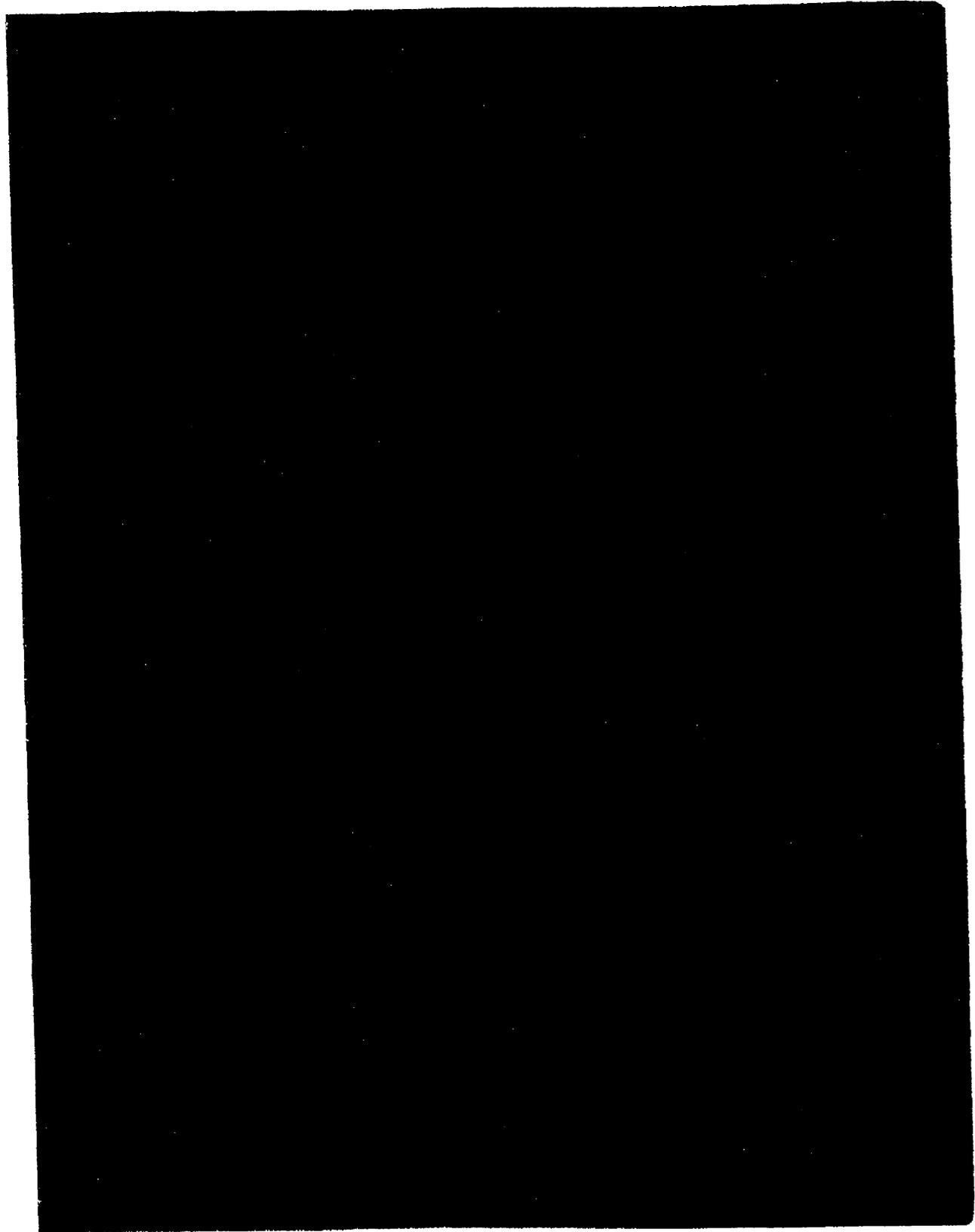


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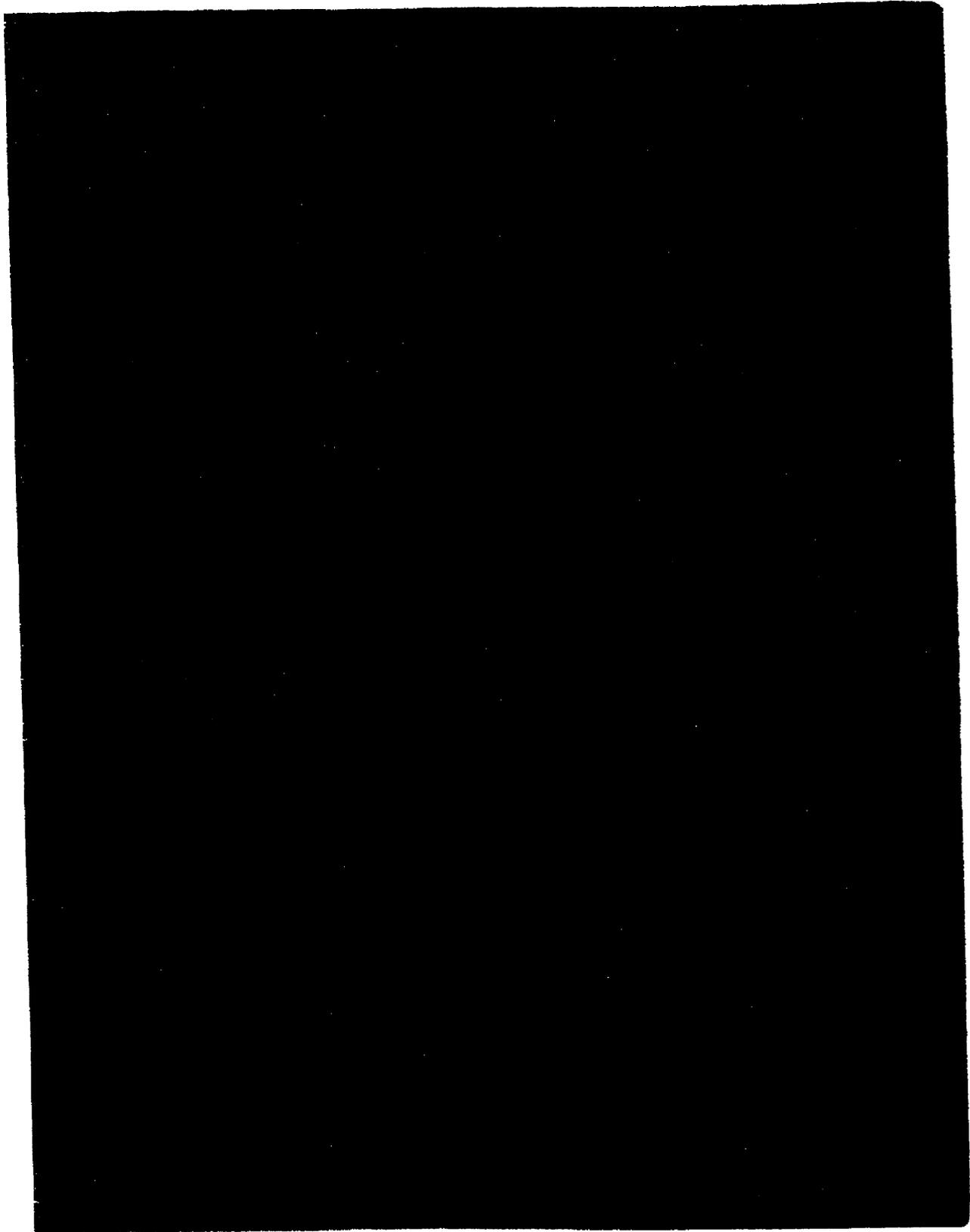
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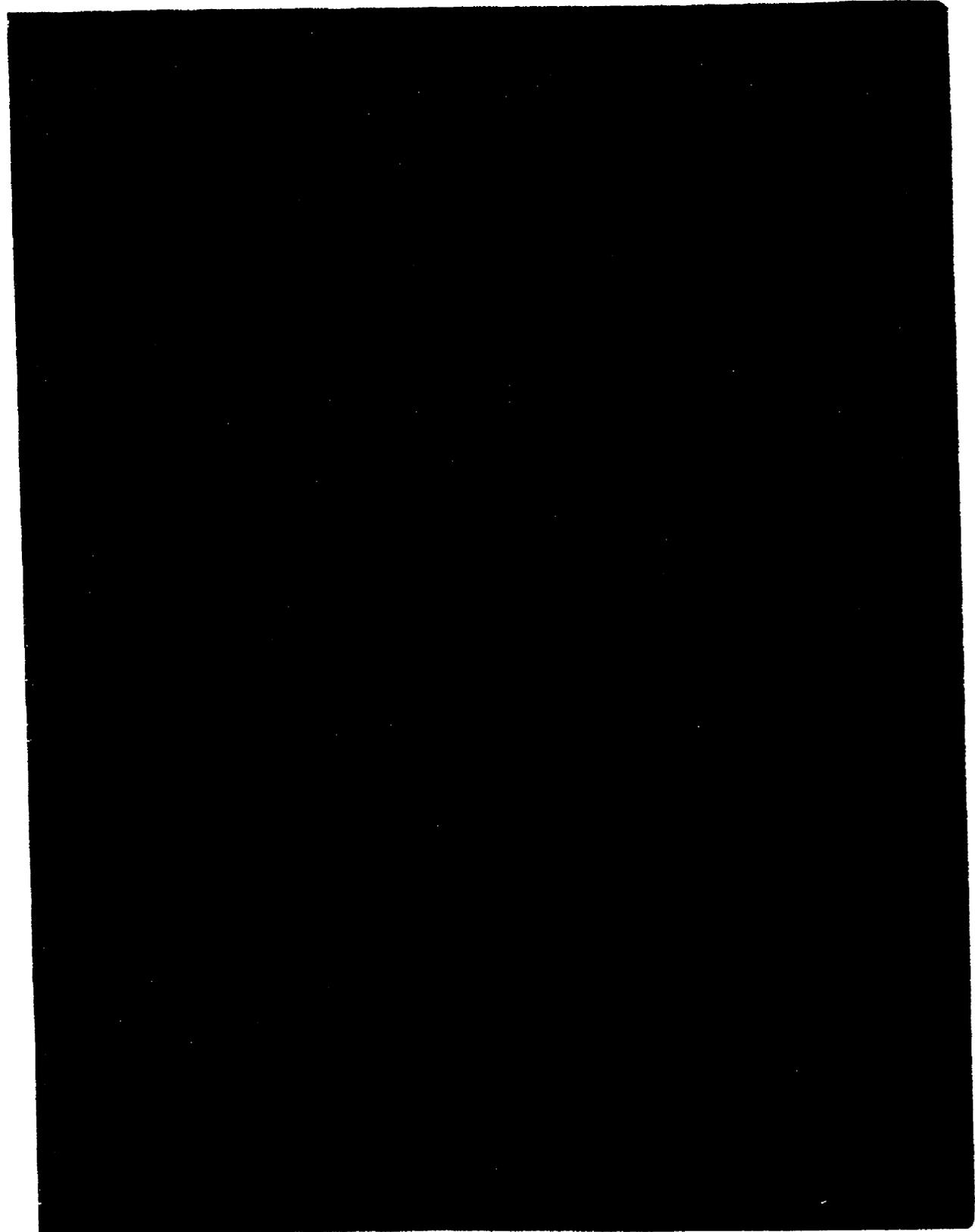
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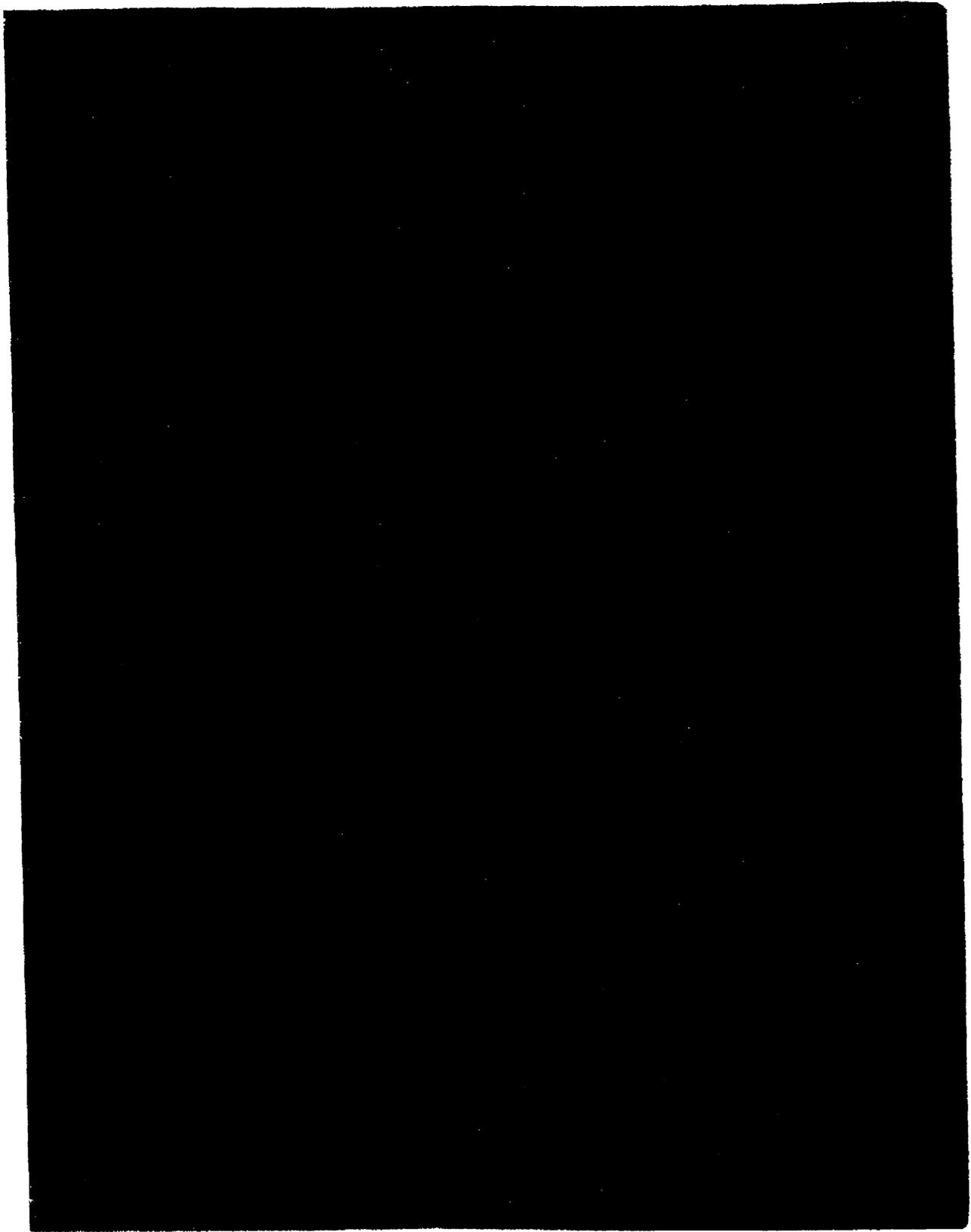
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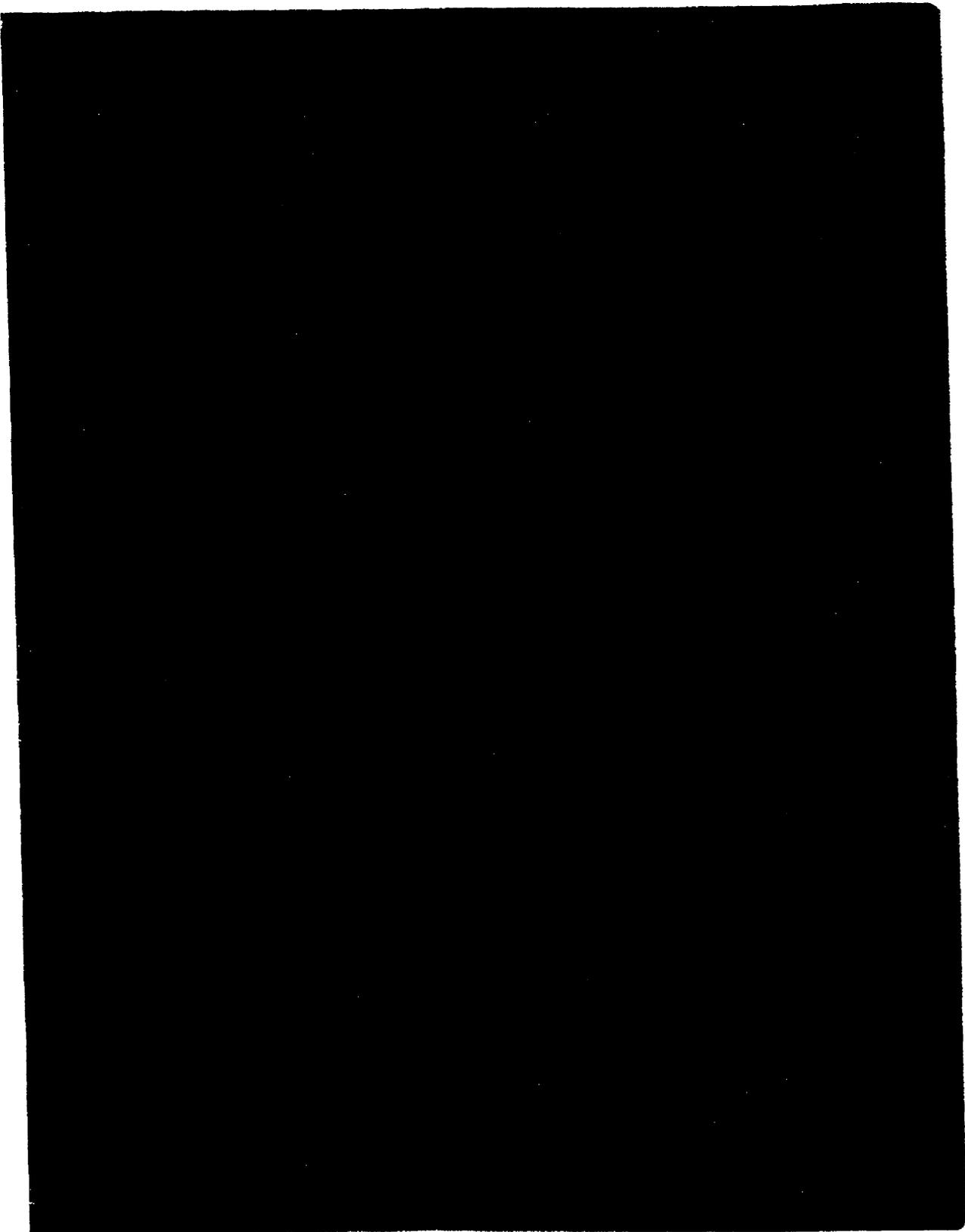
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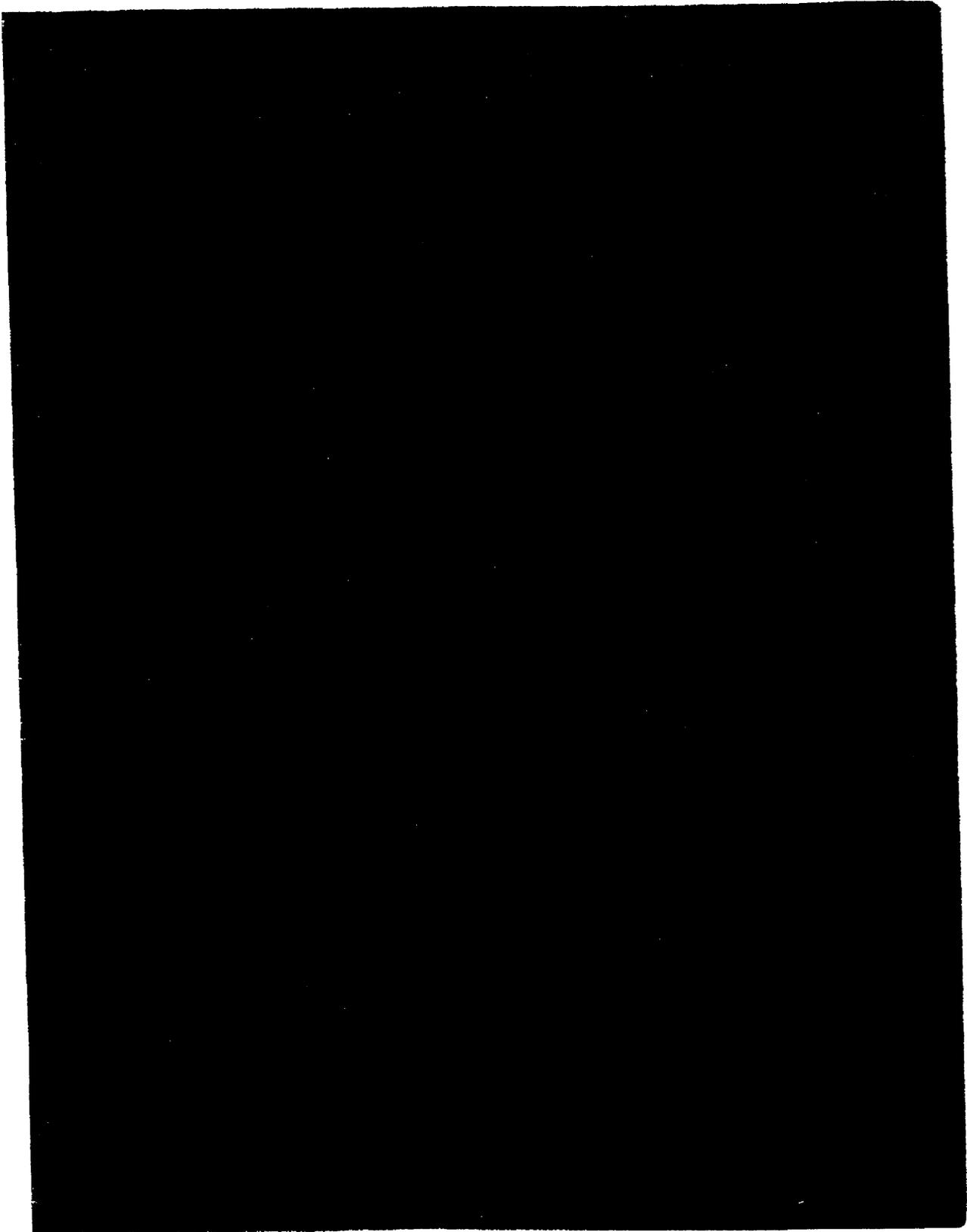
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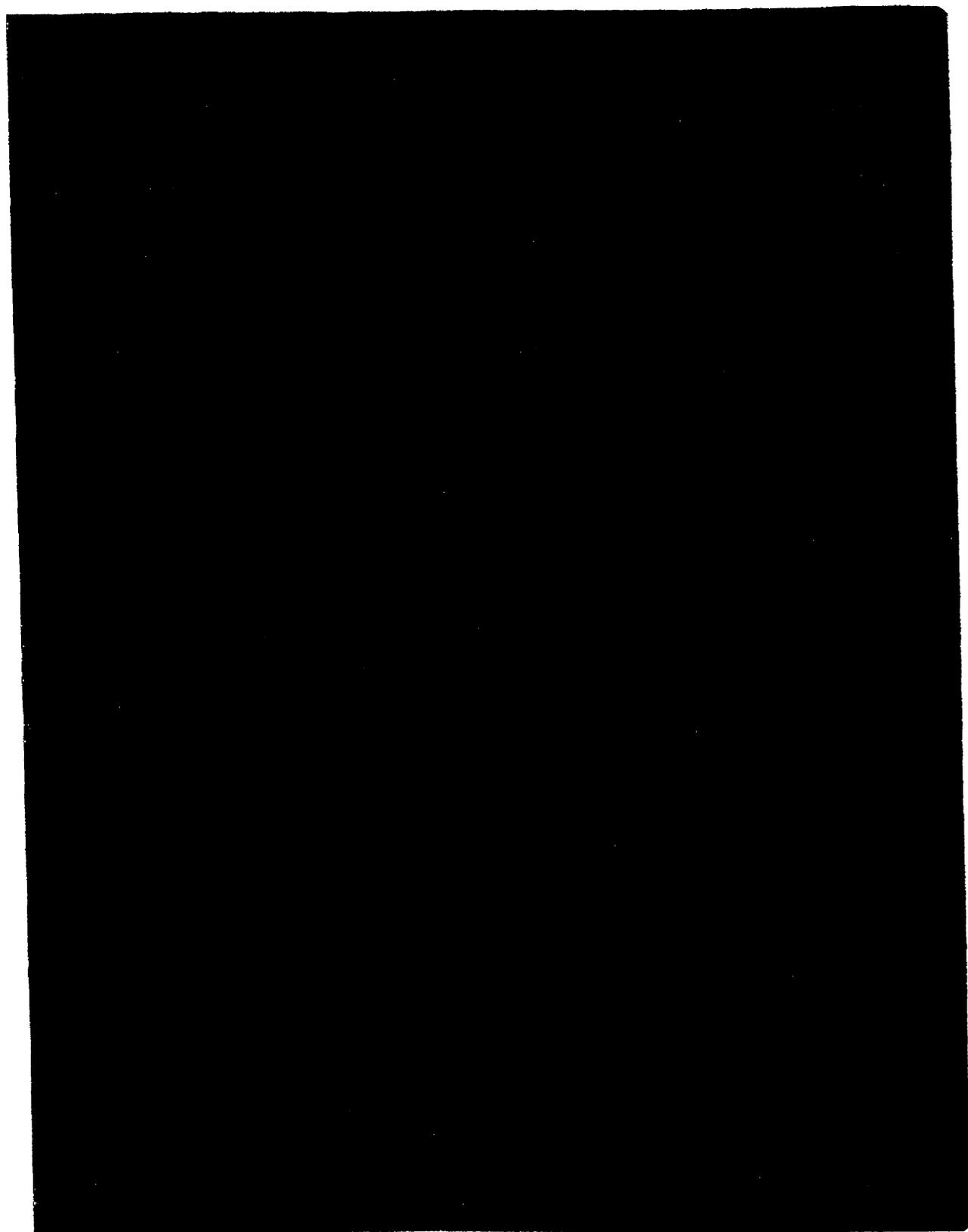


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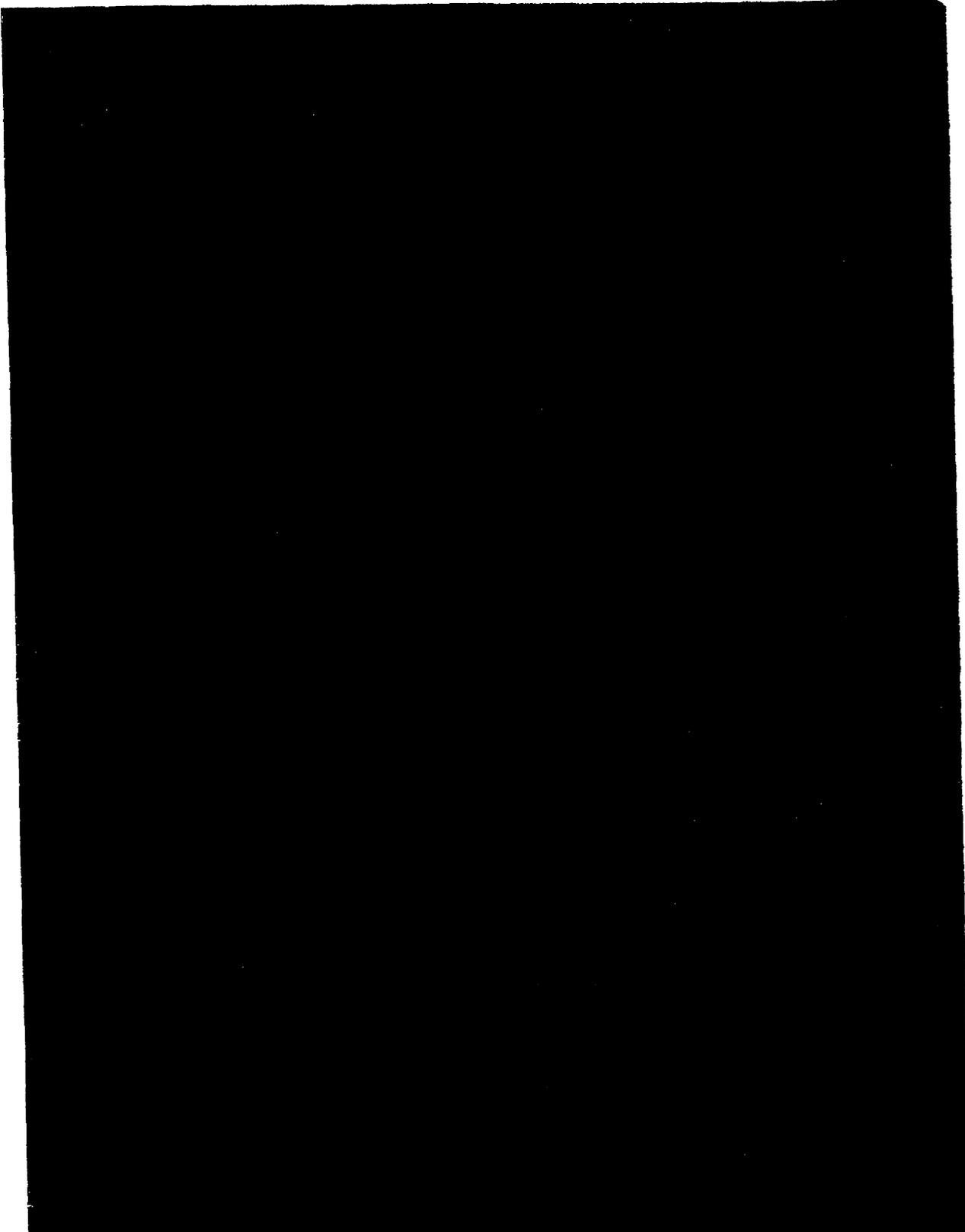
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P2

1 [REDACTED]
2 [REDACTED]

3 FiberNet
4 Response to PSC Questions 9/4/01

5 1. Explain the "not subject to refund revenues", Dark Fiber Lease, Metro and portion of
6 Metro Driven Backbone revenues

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
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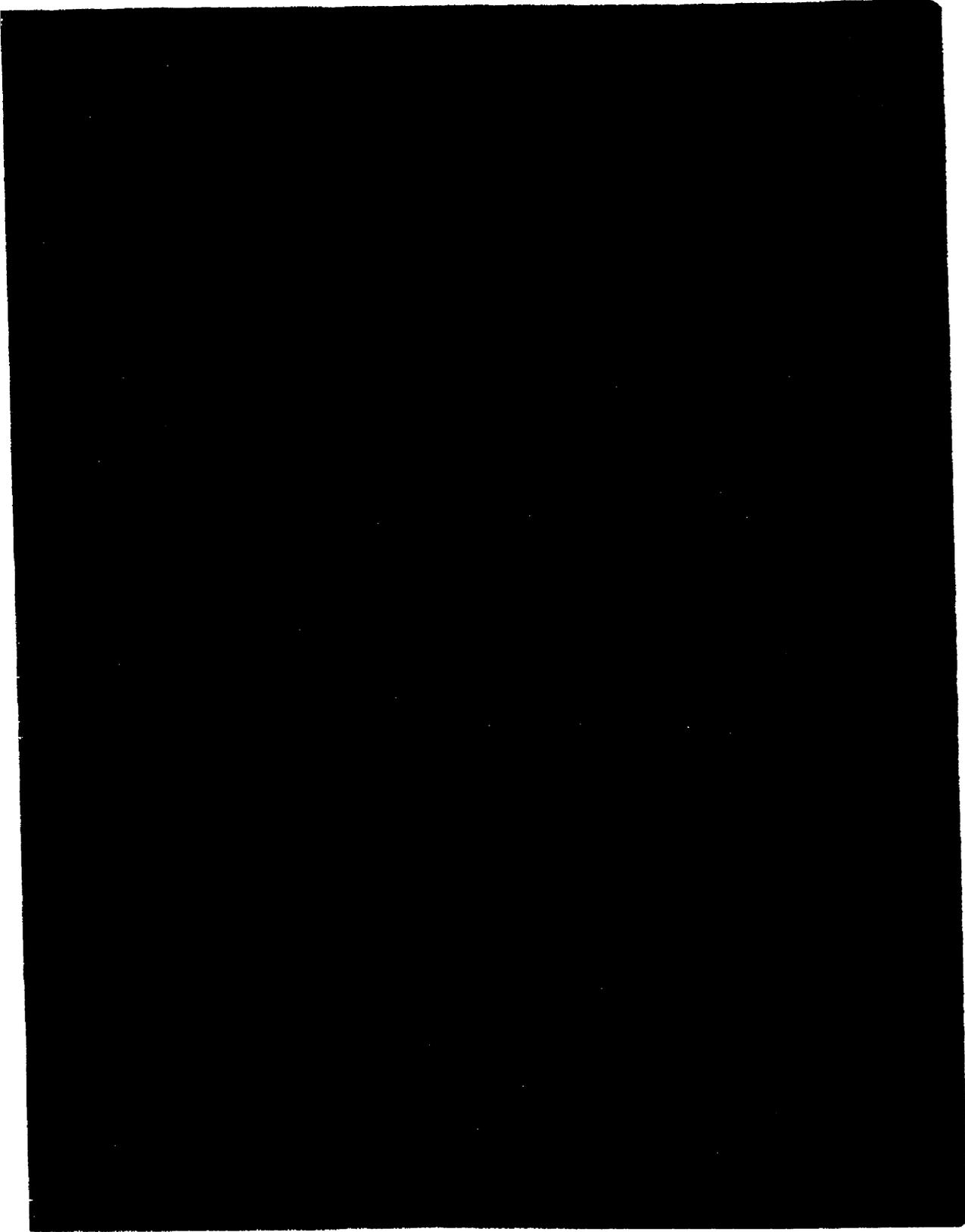
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CONFIDENTIAL

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3 1. What are the ITC DeltaCom fees?

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[REDACTED]

11 2. If they (ITC Fees) are in the income statement, which lines?

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[REDACTED]

14 3. Need support for the ITC DeltaCom fees for all months.

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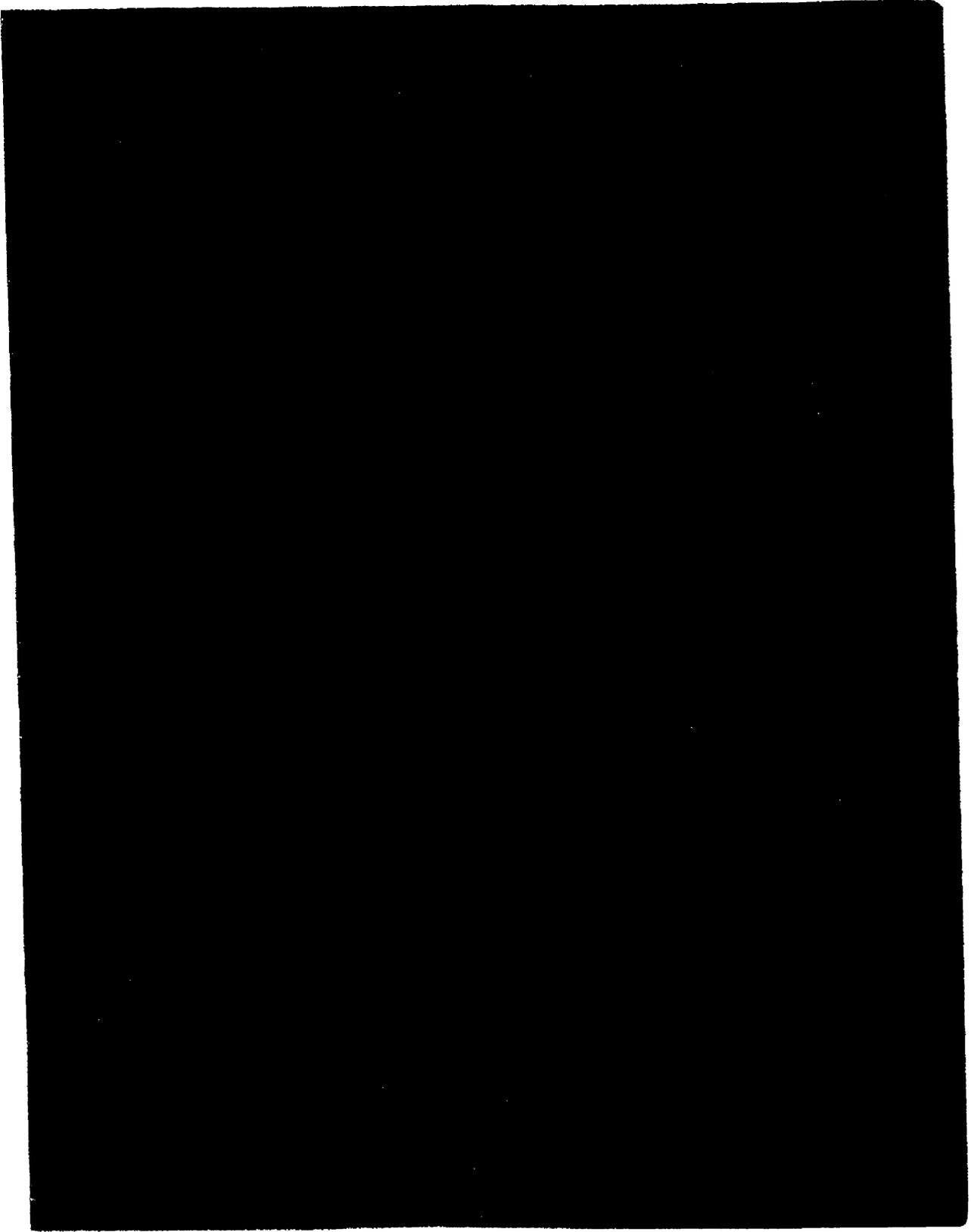
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FPL Fibernet



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COMPANY : 41

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PK

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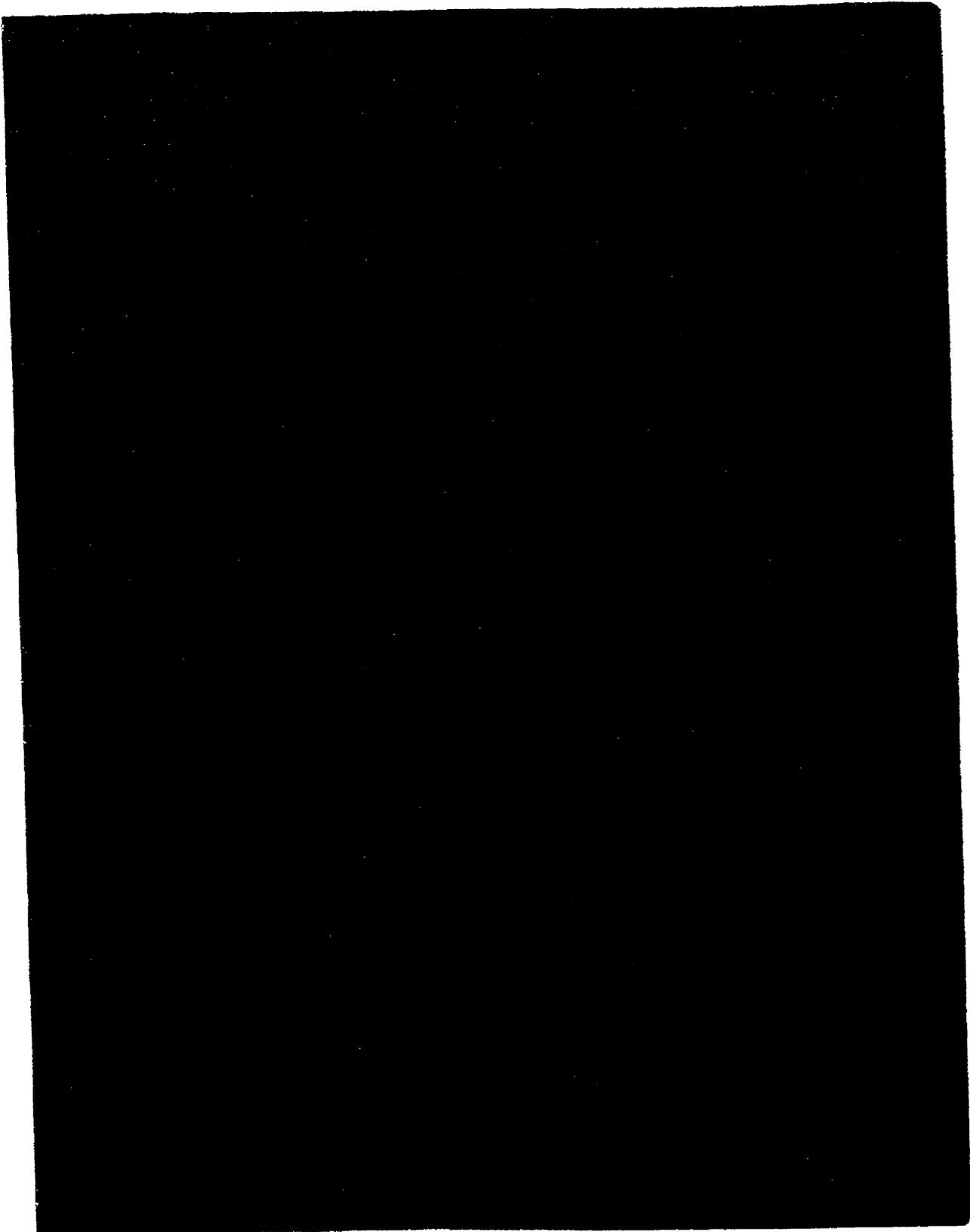
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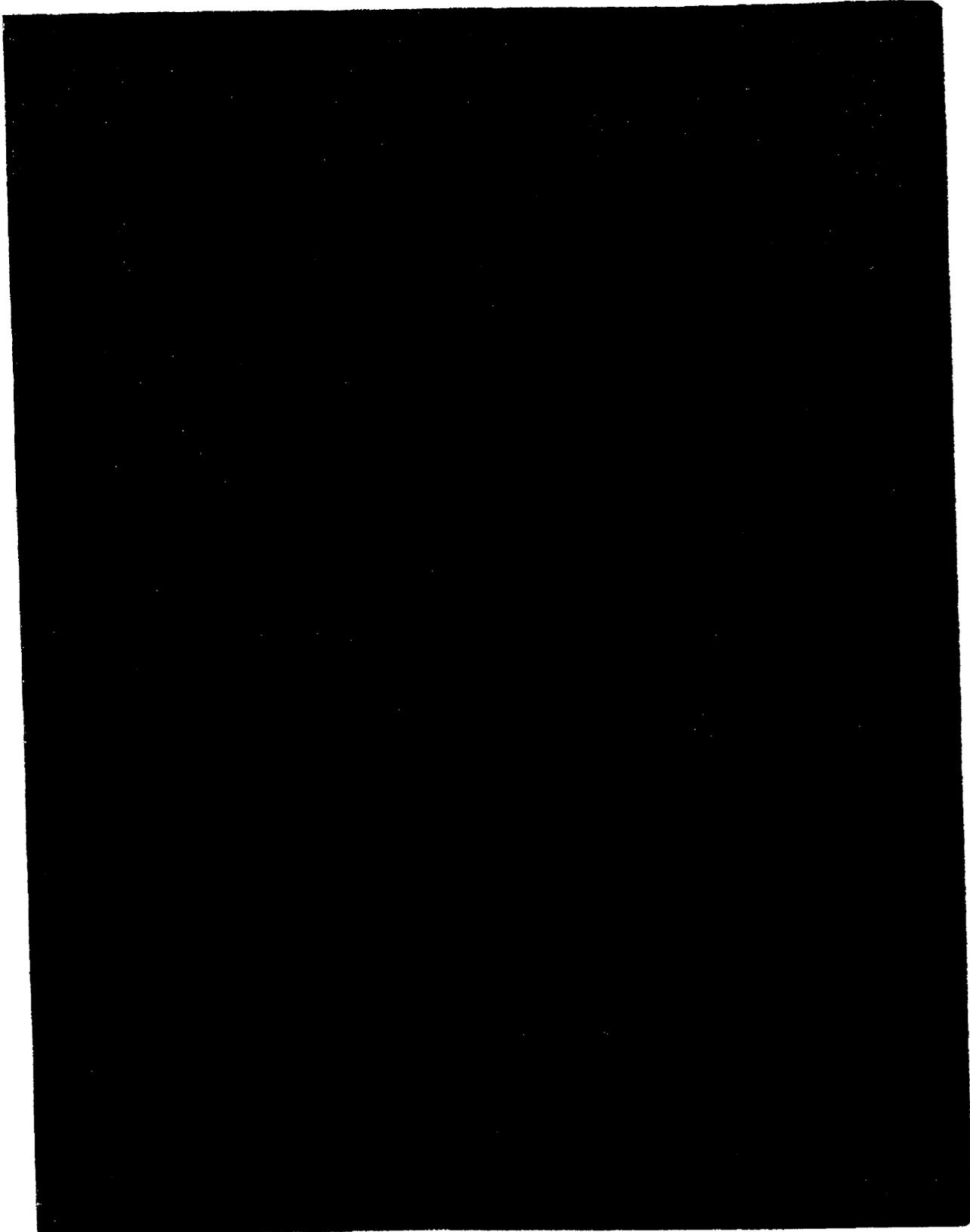
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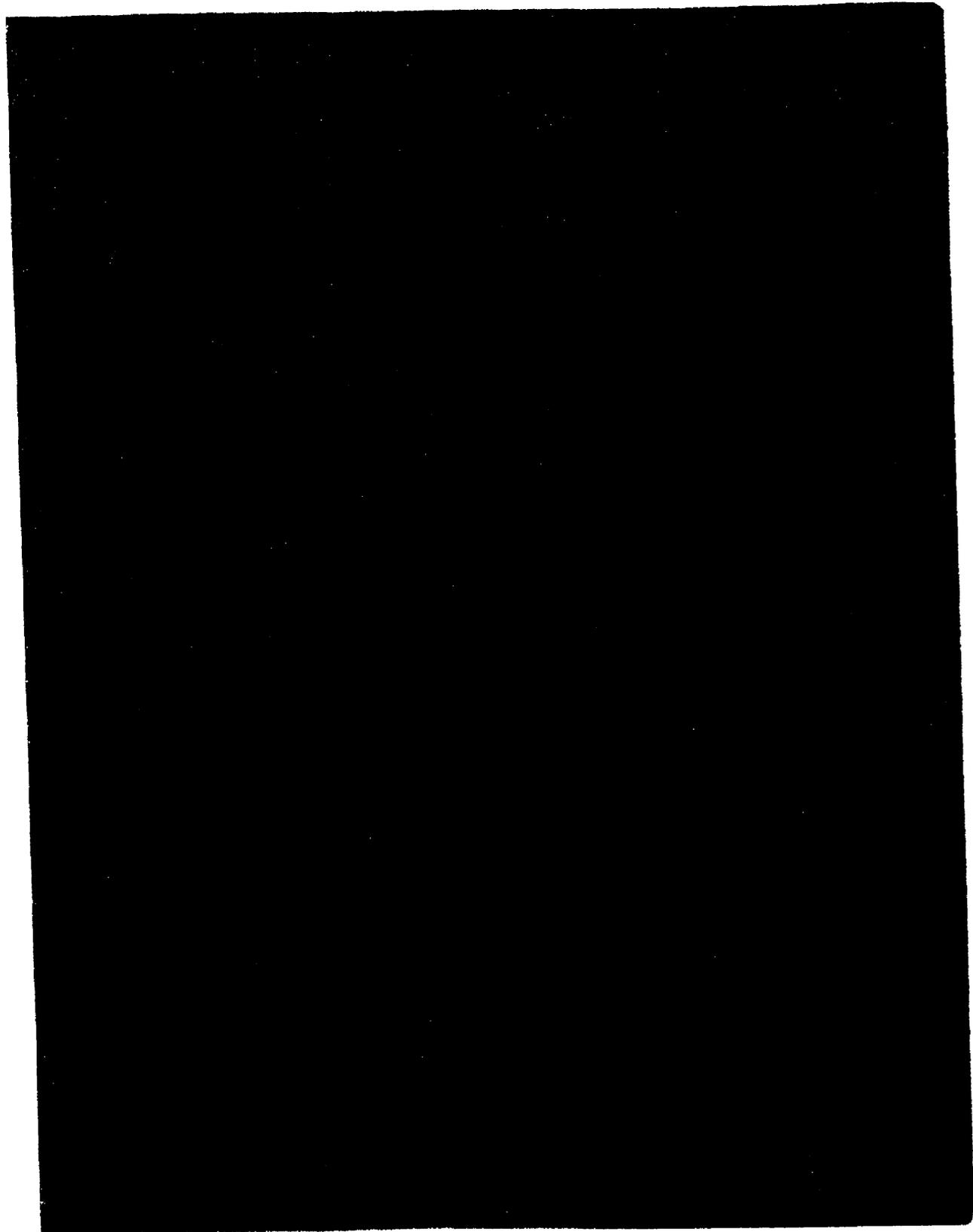


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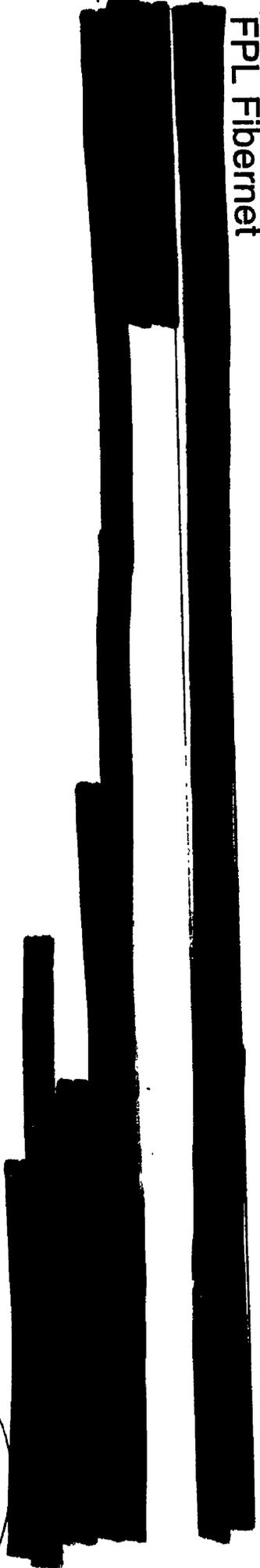
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FPL FiberNet



COMPANY : 41

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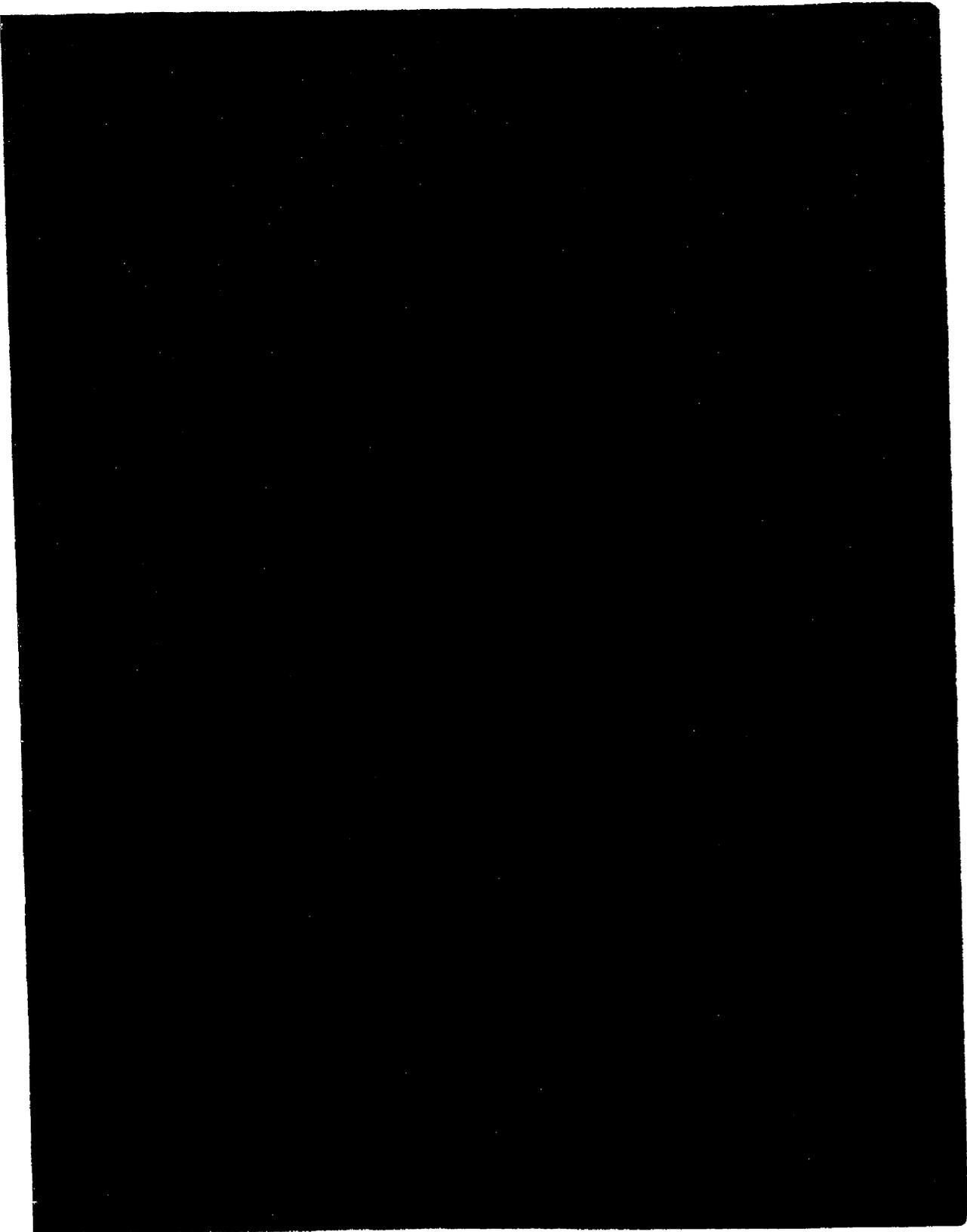
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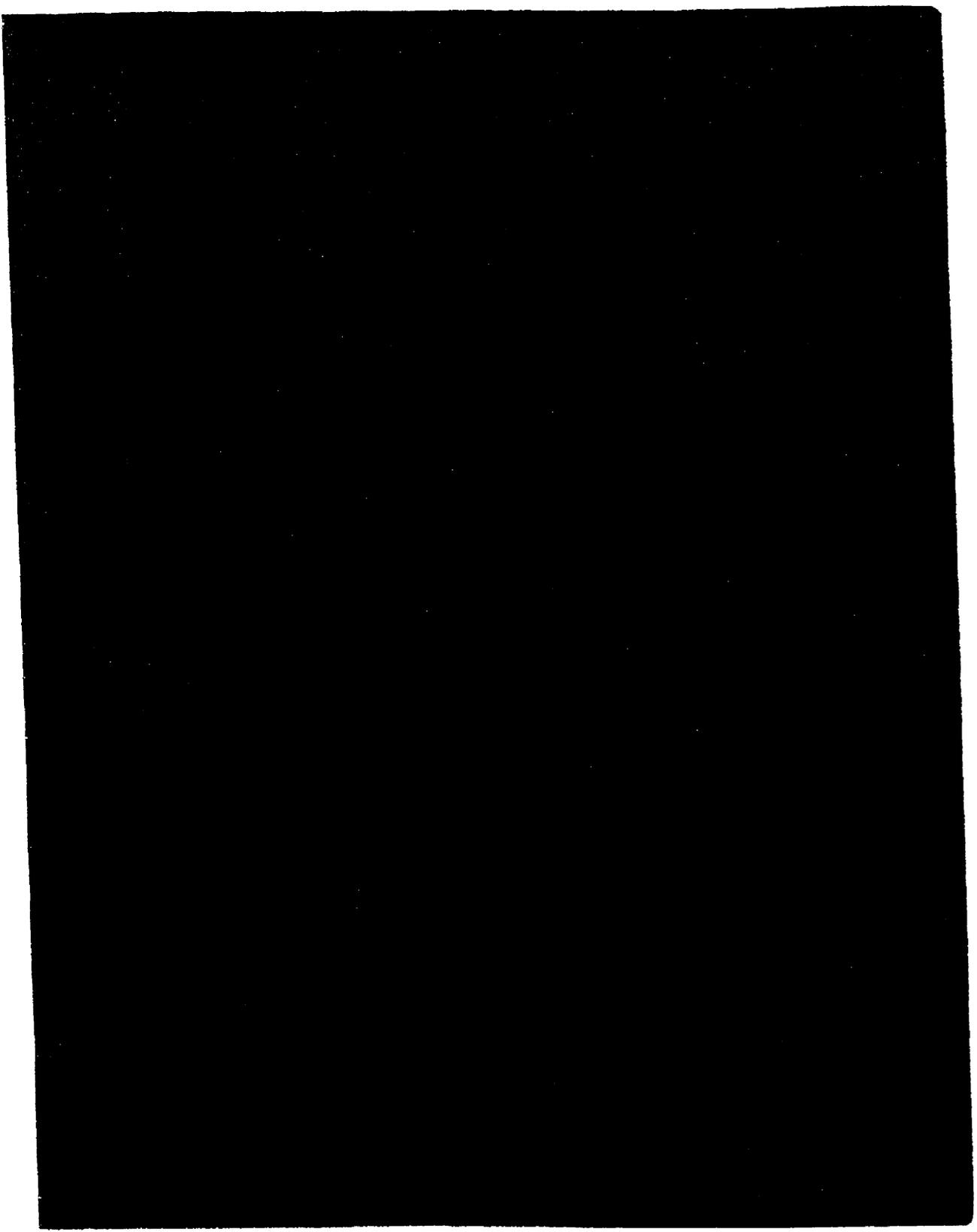
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FPL Fibernet



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COMPANY : 41

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10/3/00

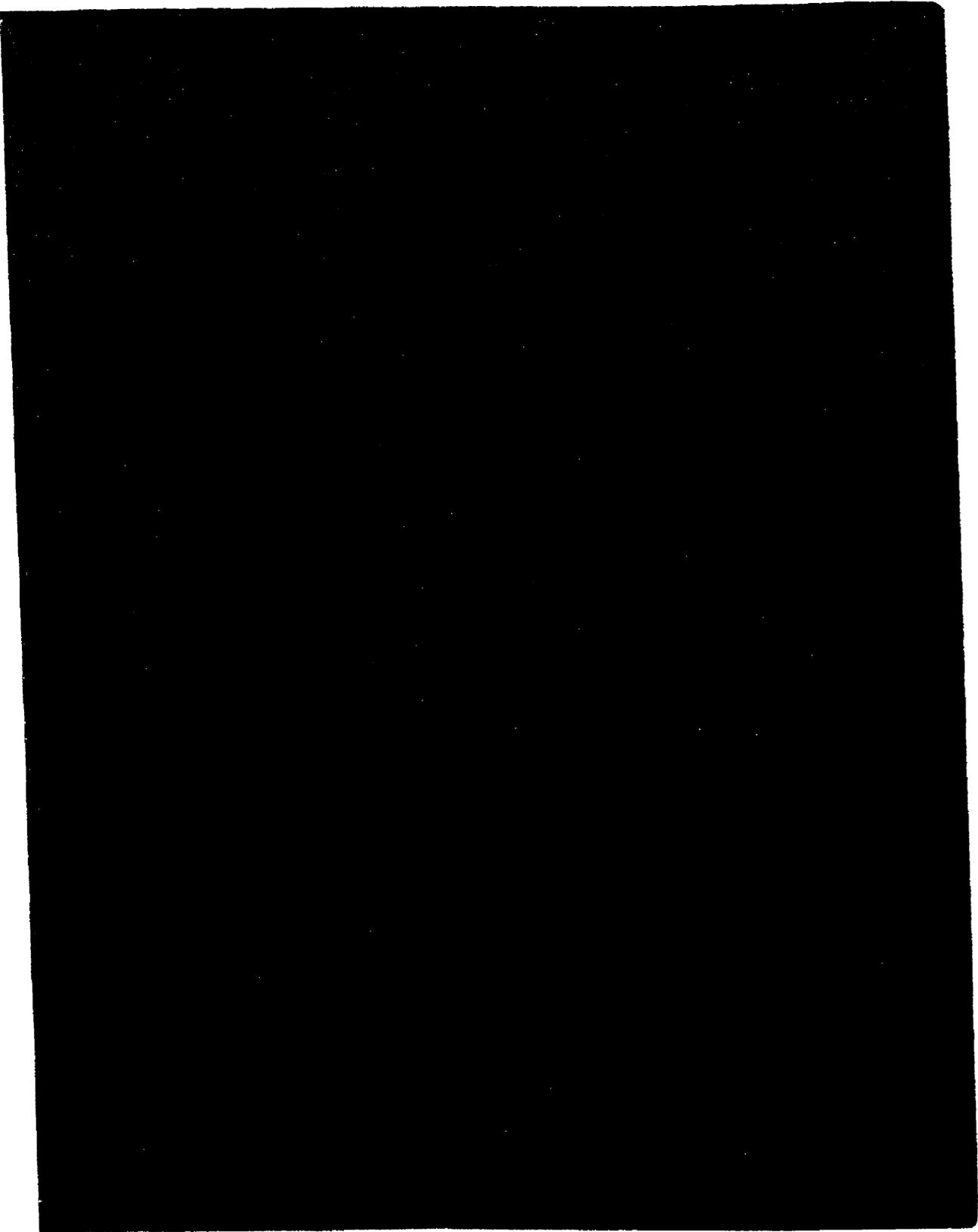
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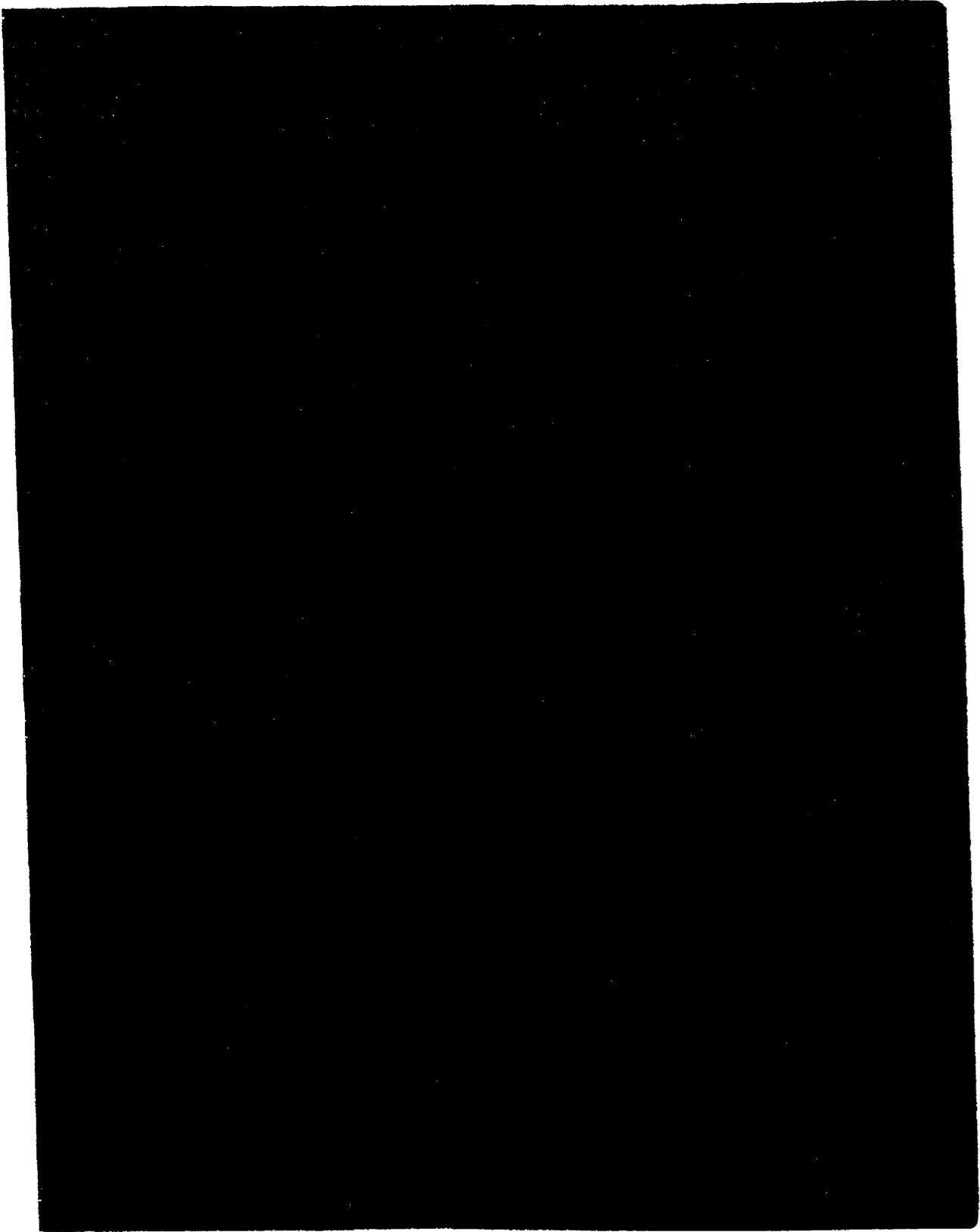
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MPANY : 41

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9/29/00

ten Aug

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[REDACTED]

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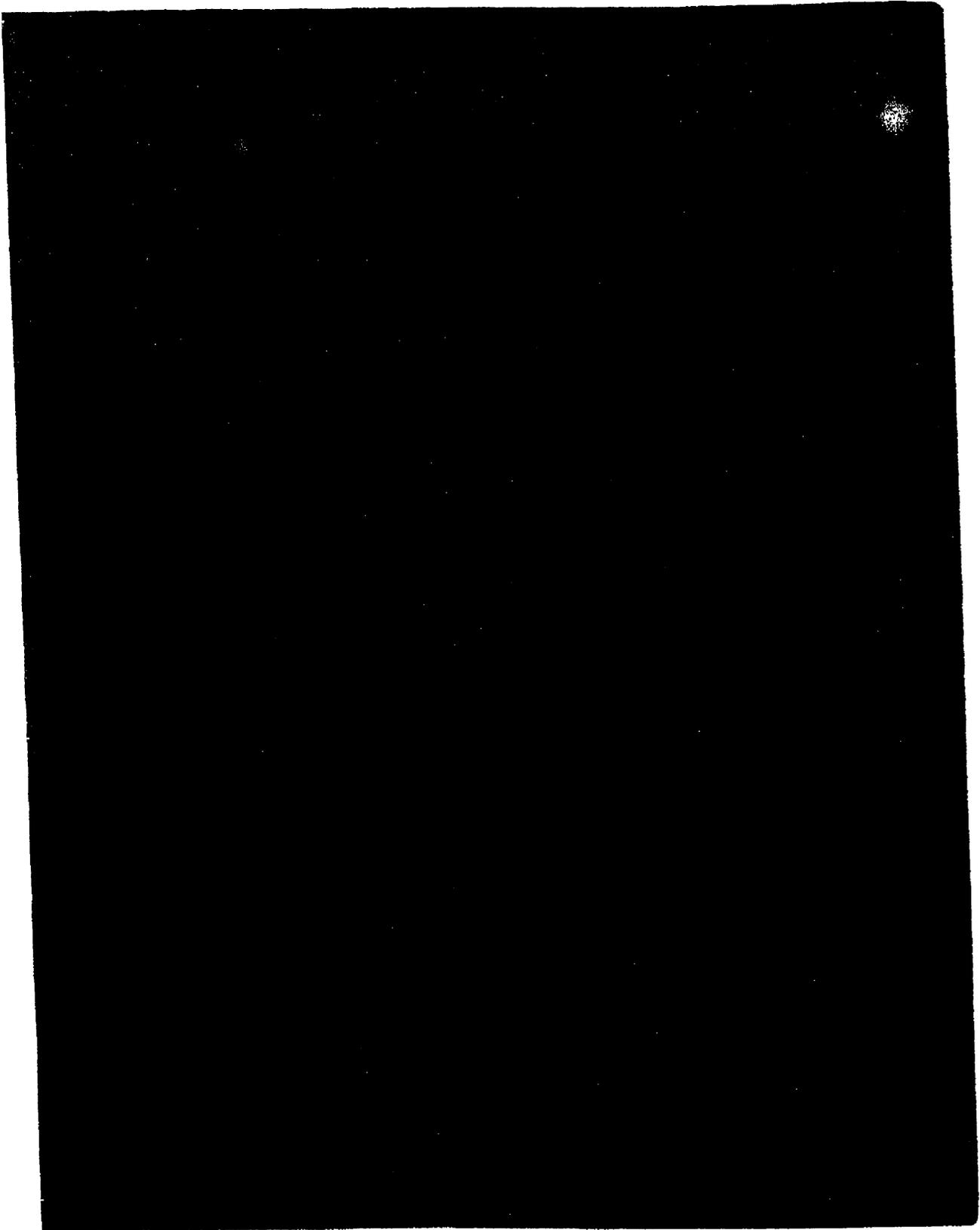
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14

15

[REDACTED]

44-2
3-2
PL



44-2
3-2 P2

COMPANY : 41

LEDGER				POSTED	ACCRUAL	SCHEDULED INFORMATION				
DATE	JV#	PAGE#	SRC	STATUS	DATE	CYC	REVERSE	START DATE	STOP DATE	FREQUENCY
200009	31	0013	63000	COMPLETED			YES			(NOT SCHEDULED)

APPROVAL INFORMATION			ENTERED/LAST CHANGED INFORMATION			EXCEPTION APPROVAL INFORMATION				
DATE	TIME	PERSON	DATE	TIME	PERSON	LOC	SECT	DATE	TIME	PERSON
			2000-09-29	14.56	PETER CLAYTON	0350	0000			

[REDACTED]

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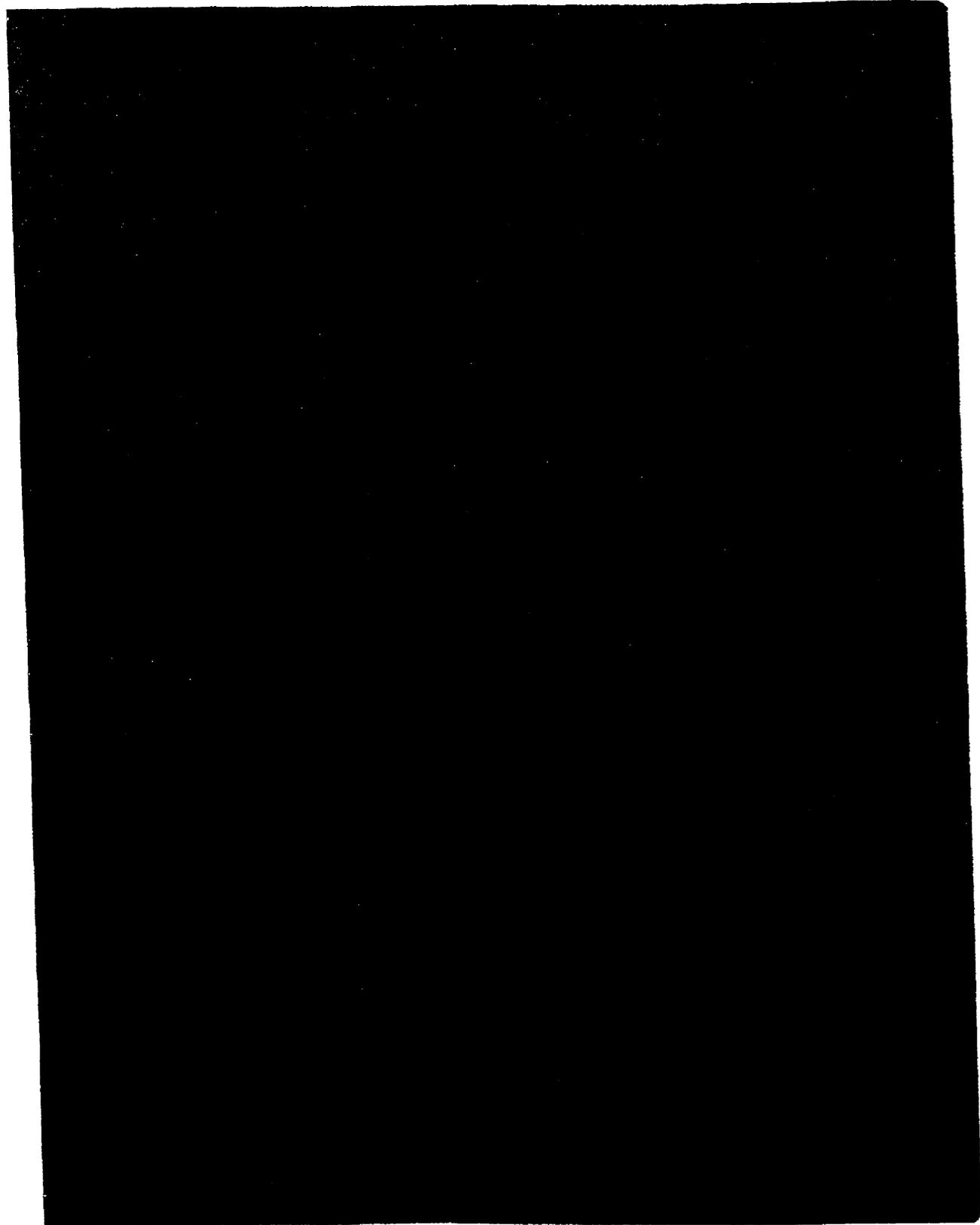
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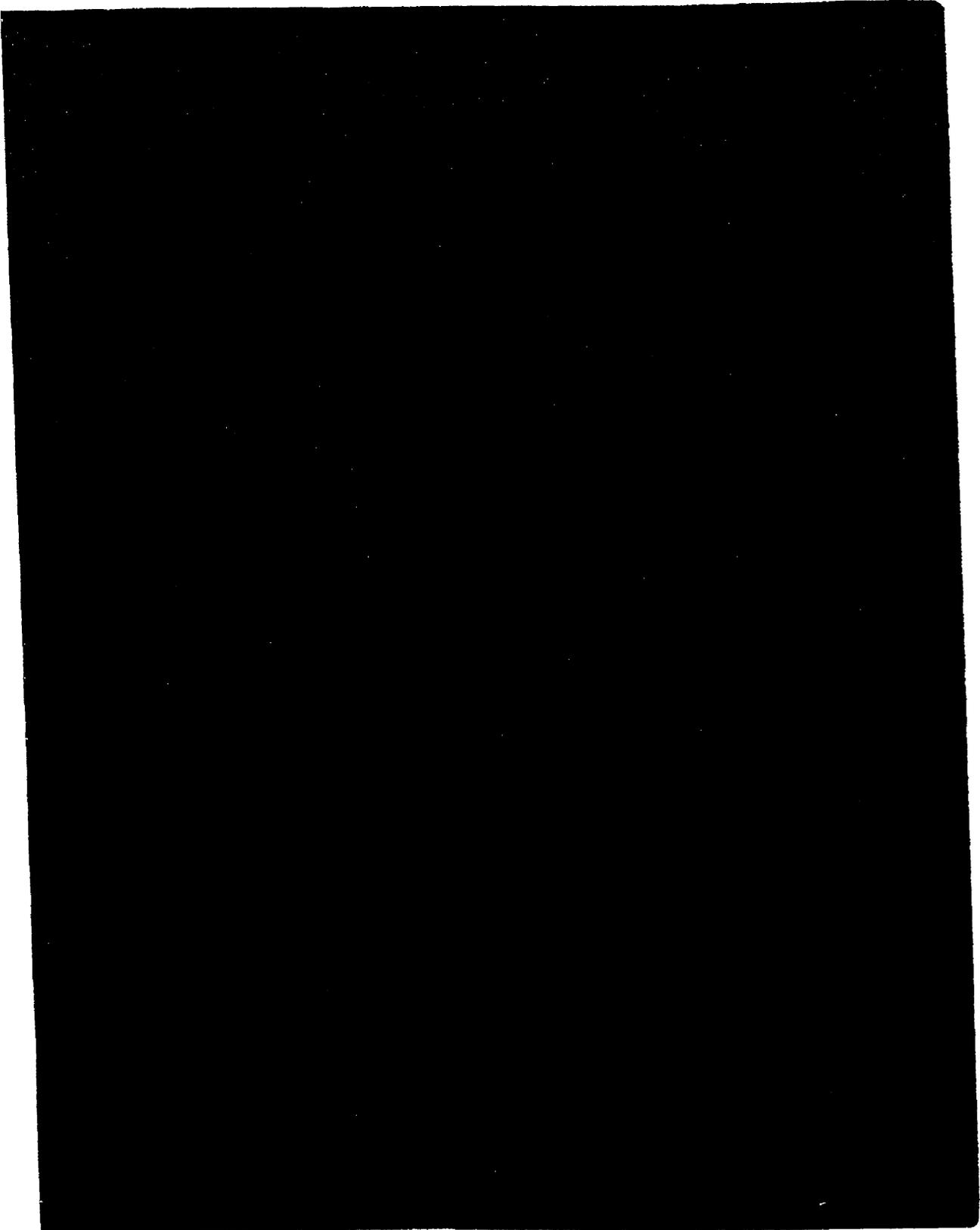
44-2
3-3
P1



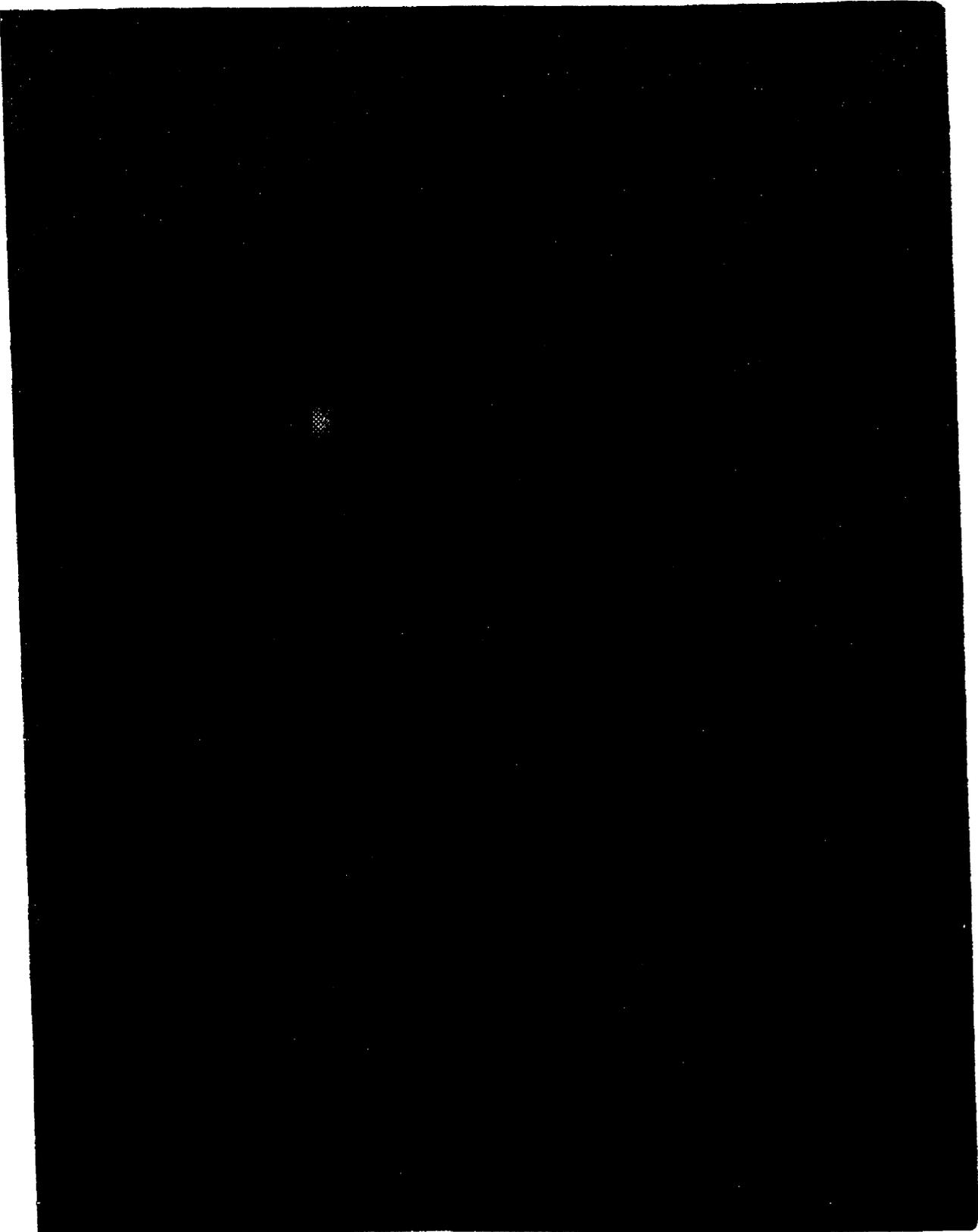
44-2

3-3

P2

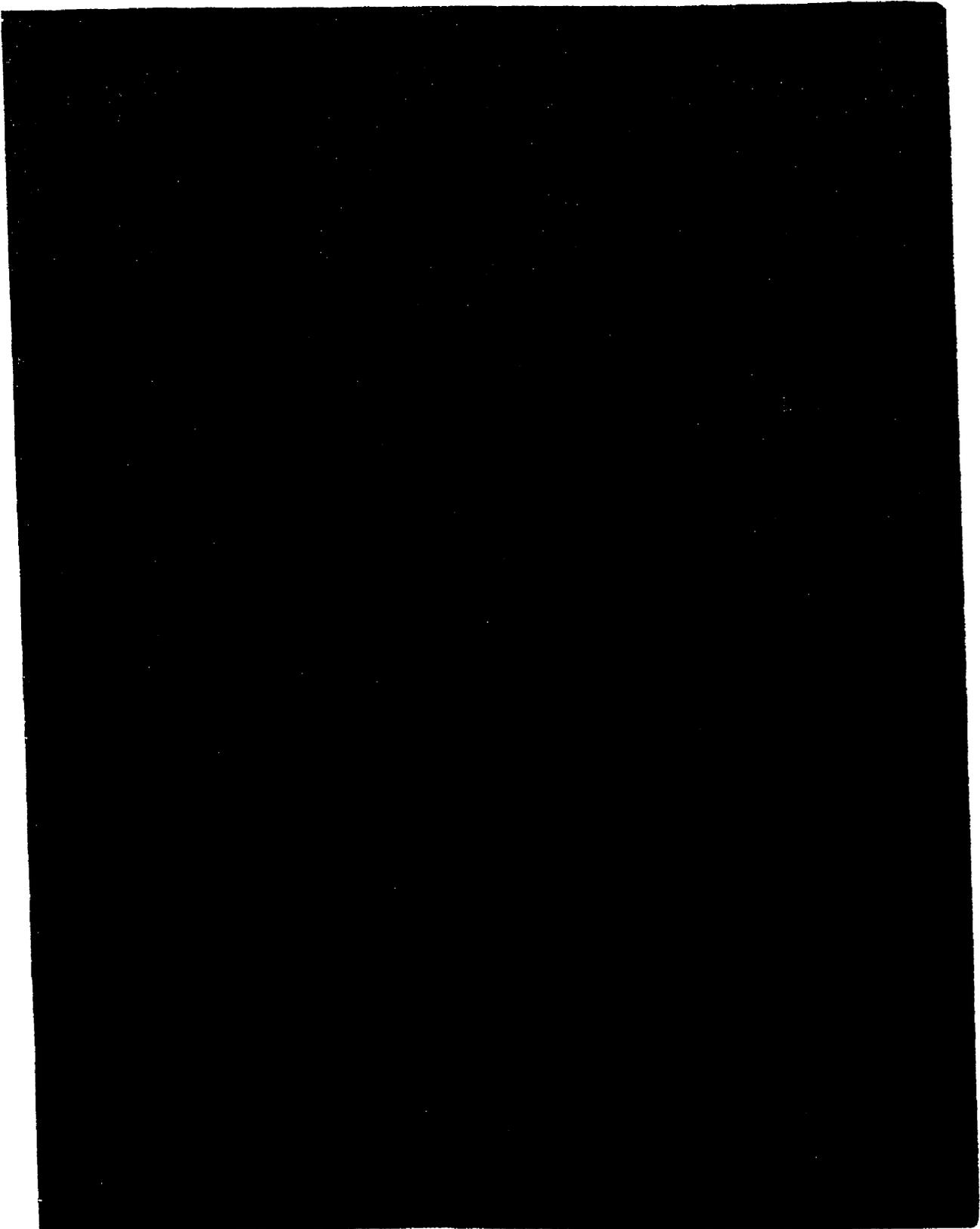


44-2
3-3 p3



44-2
3-3

P4



44-2
3-3 P5

FPL Fibernet

[Redacted]

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[Redacted]

44-2
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P1

16

COMPANY : 41

LEDGER				POSTED	ACCRUAL	SCHEDULED INFORMATION				
DATE	JV#	PAGE#	SRC	STATUS	DATE	CYC	REVERSE	START DATE	STOP DATE	FREQUENCY
200010	31	0012	65000	COMPLETED			NO			(NOT SCHEDULED)

W. Verdooren

APPROVAL INFORMATION			ENTERED/LAST CHANGED INFORMATION			EXCEPTION APPROVAL INFORMATION				
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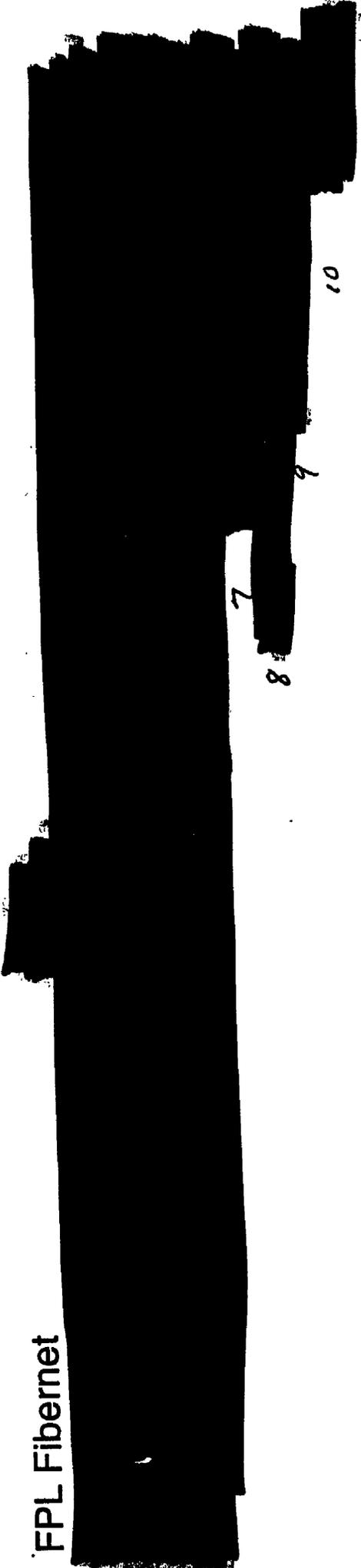
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44-2
4

FPL Fibernet

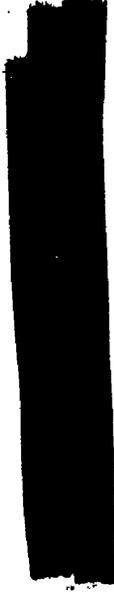


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44-2
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COMPANY : 41

LEDGER				POSTED	ACCRUAL	SCHEDULED INFORMATION				
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90 11/30

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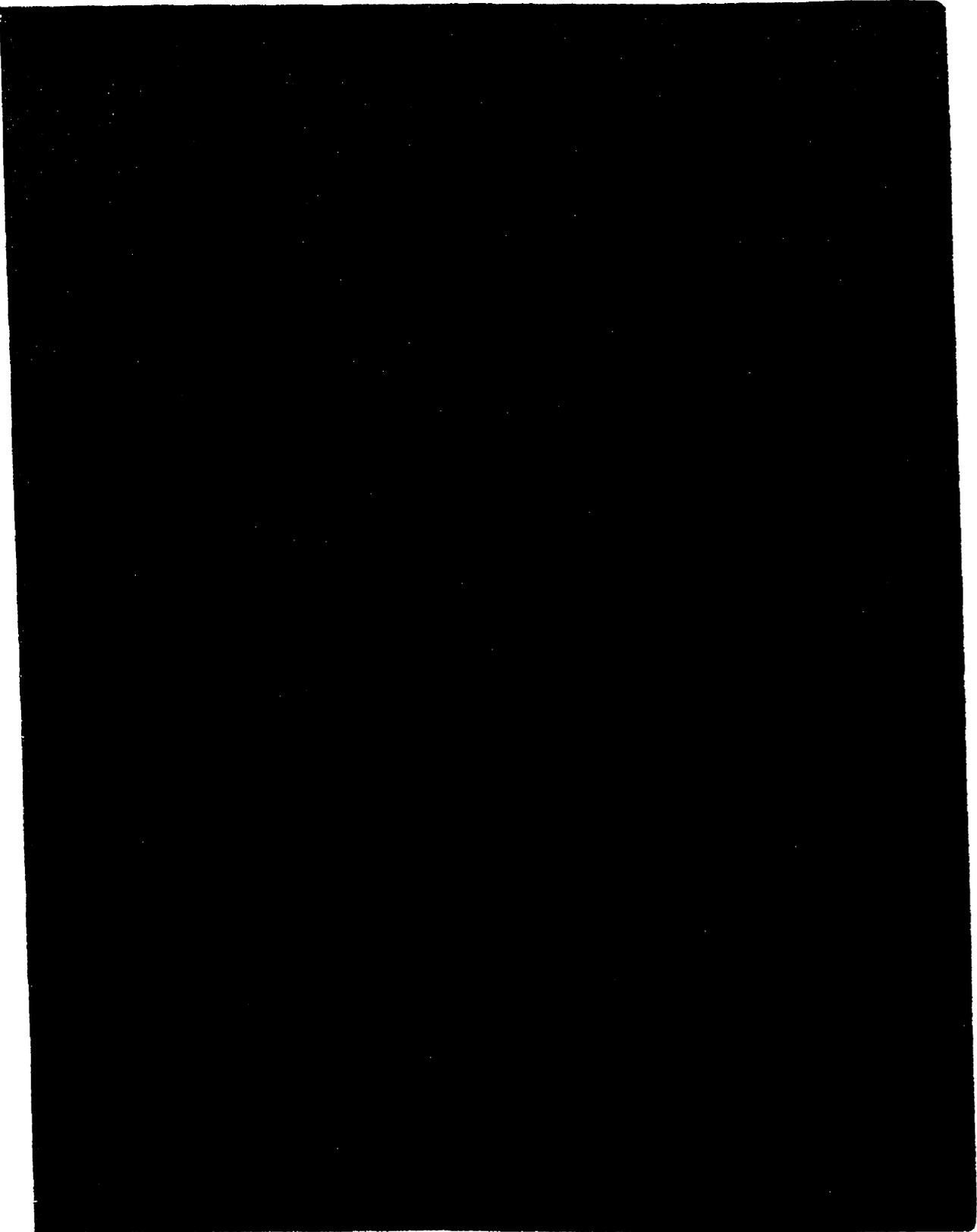
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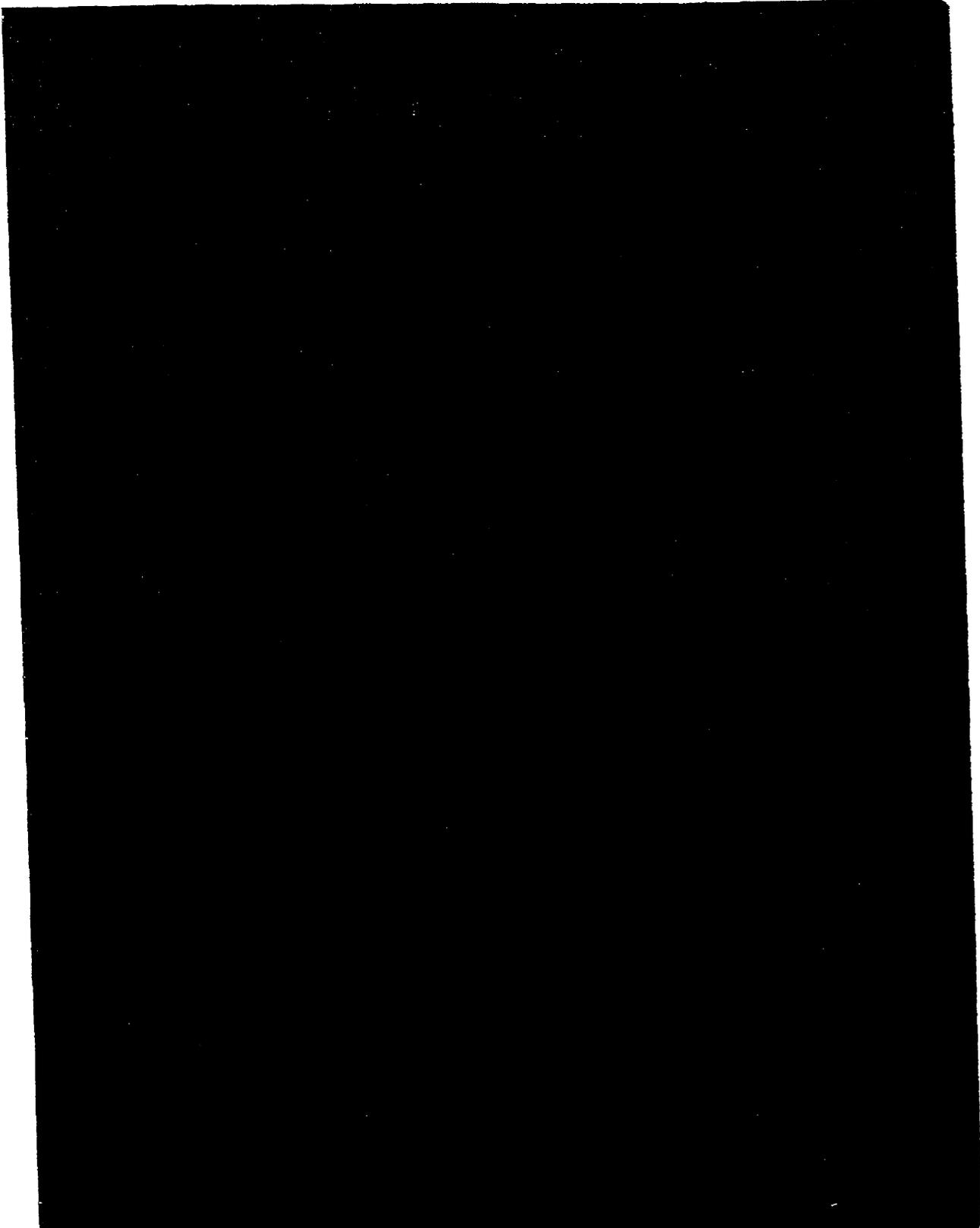
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44-2
5-1
P1

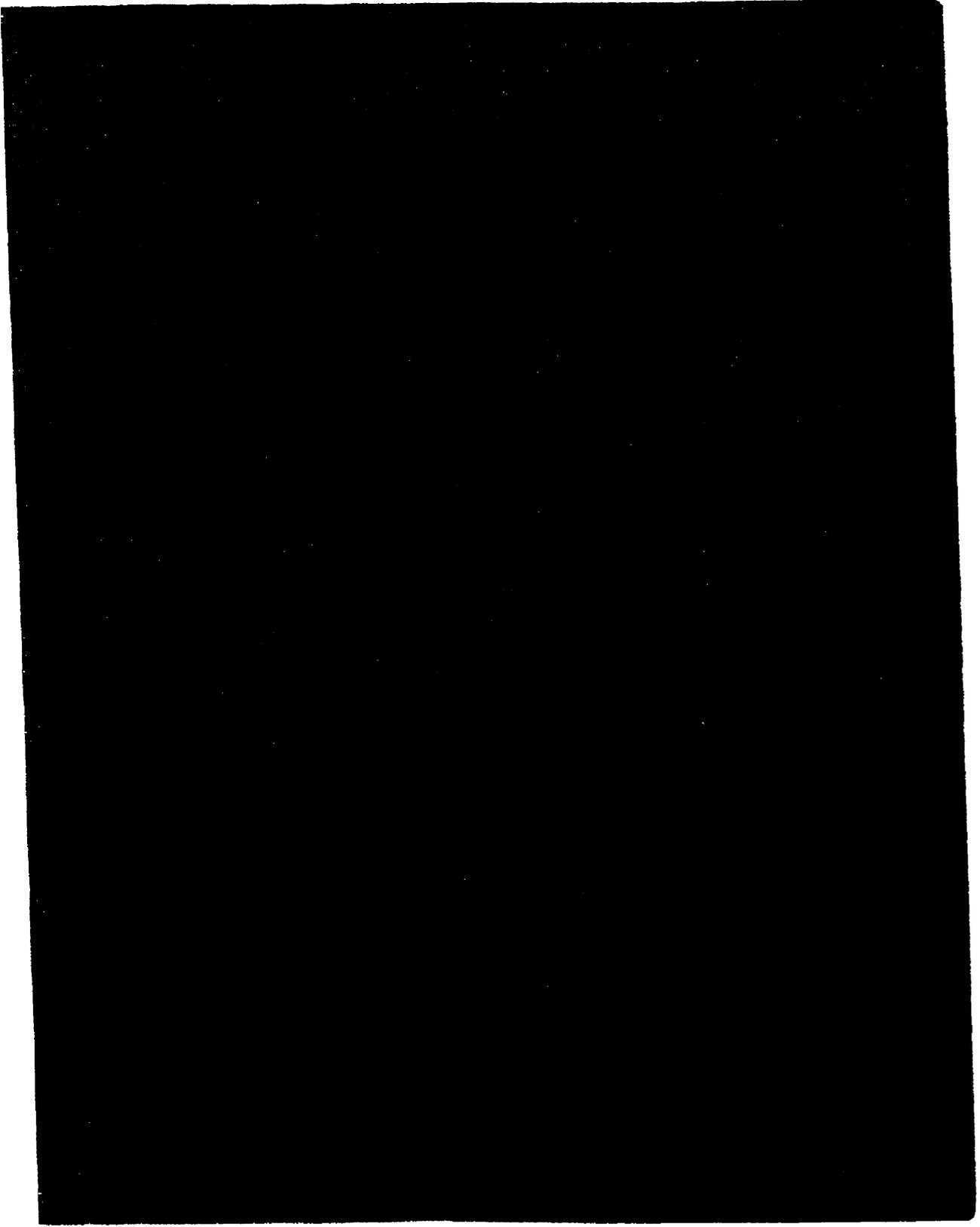


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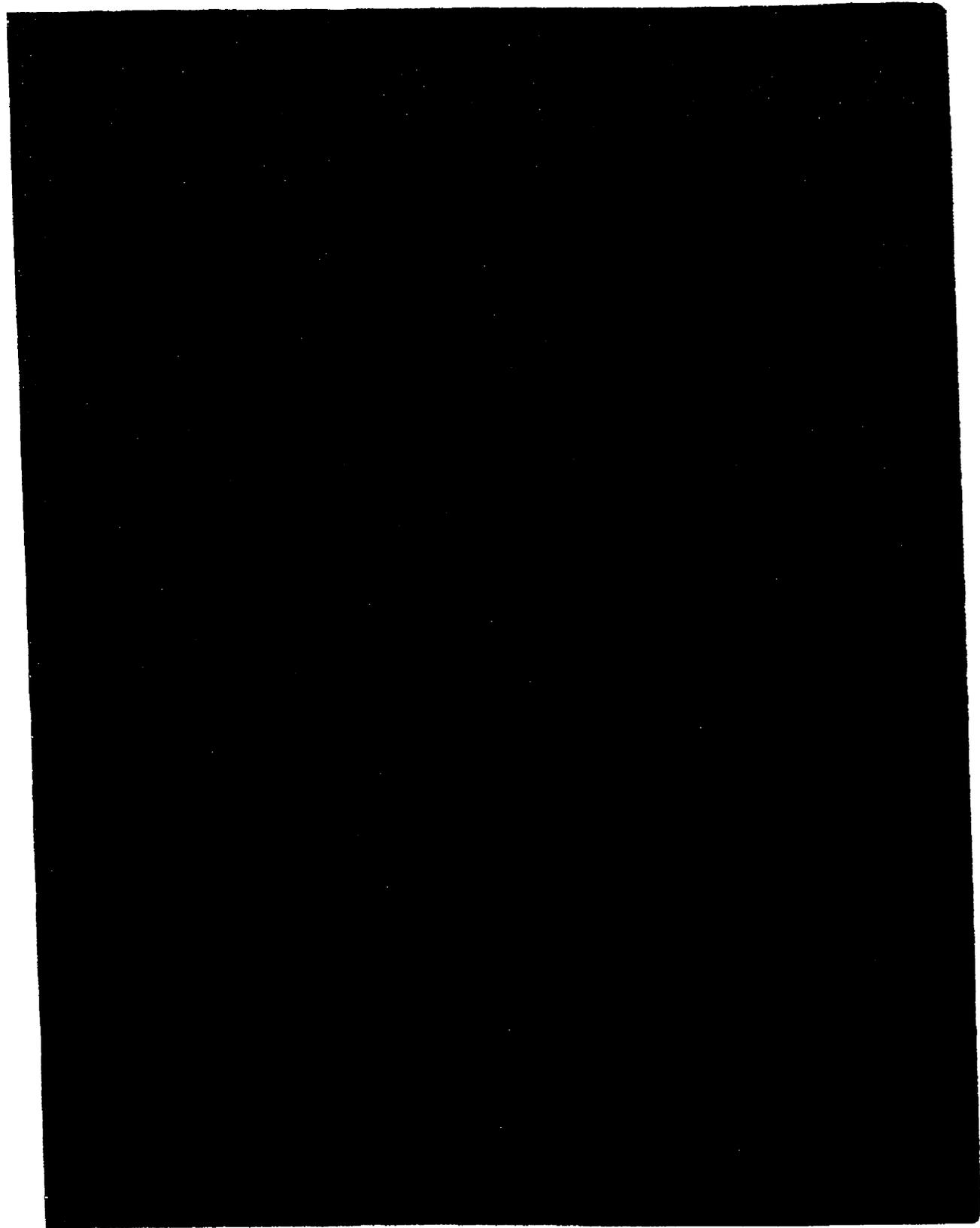
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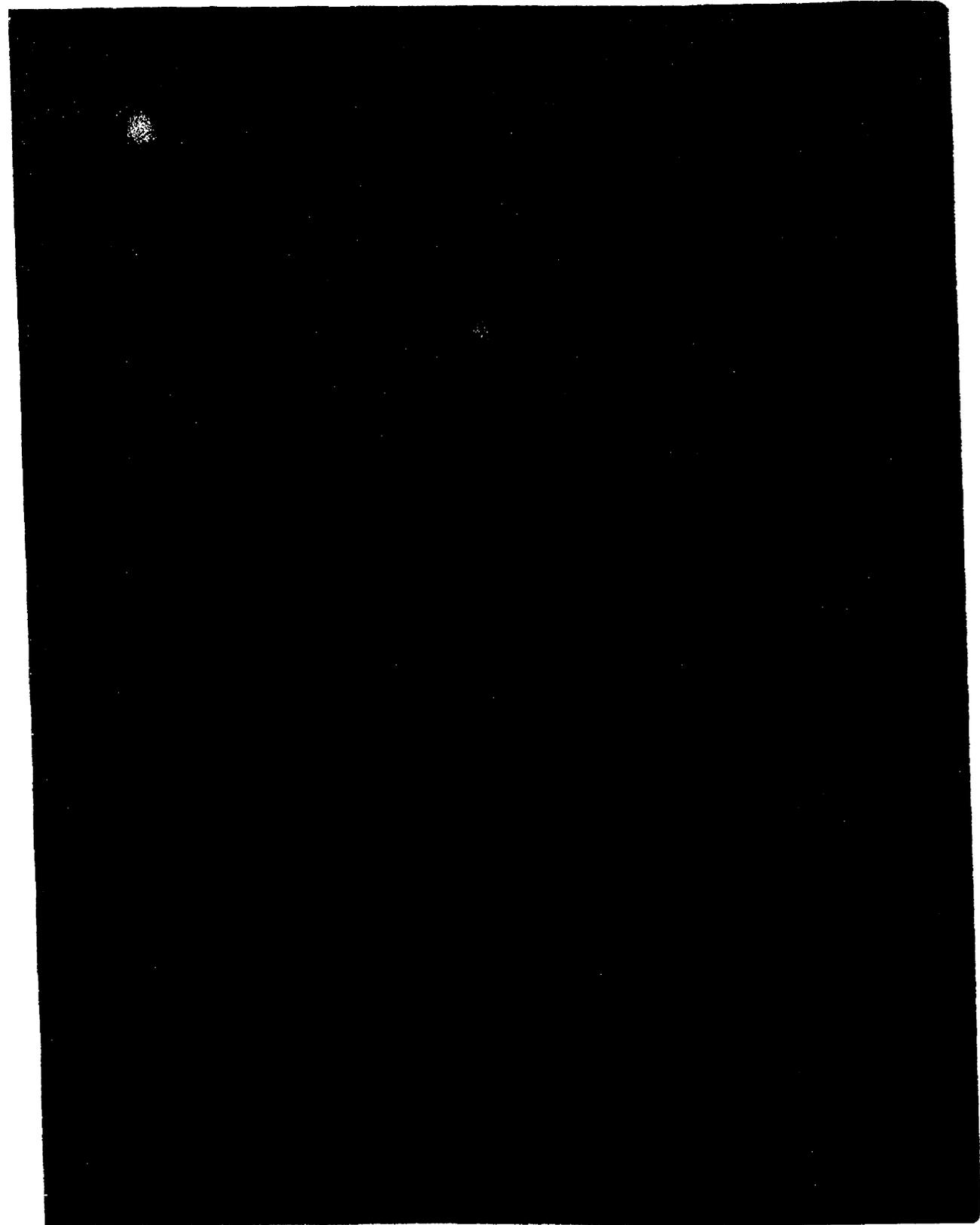
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5-1 P3



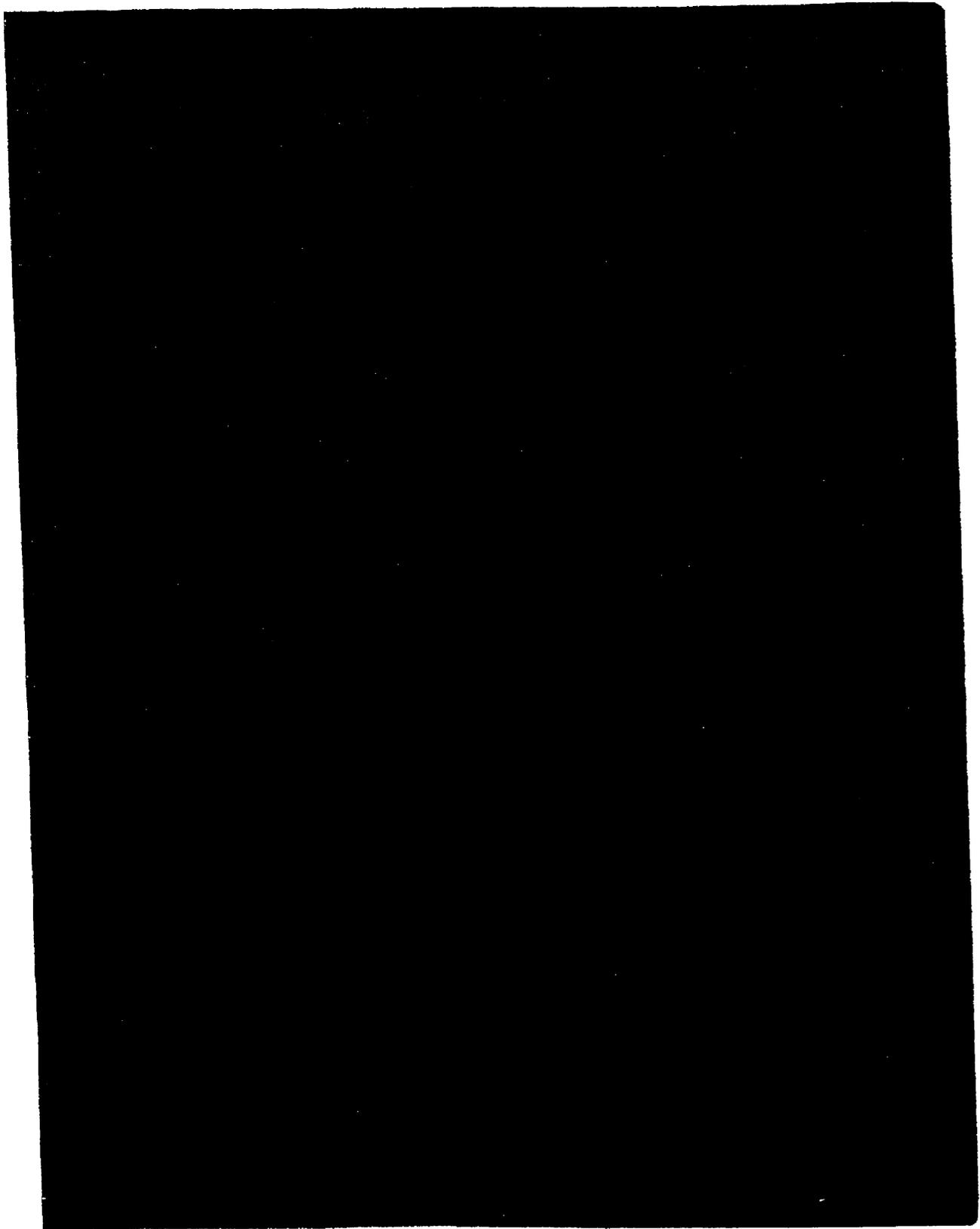
44-2
5-1 p4



44-2
5-1 P5



44-2
5-1 P6



44-2
5-1 P7

FPL Fibernet

[REDACTED]

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[REDACTED]

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[REDACTED]

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44-2
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P1

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COM : 41

LEDGER				POSTED	ACCRUAL	SCHEDULED INFORMATION				
DATE	JVS	PAGES	SRC	STATUS	DATE	CYC	REVERSE	START DATE	STOP DATE	FREQUENCY
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APPROVAL INFORMATION			ENTERED/LAST CHANGED INFORMATION			EXCEPTION APPROVAL INFORMATION				
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			2001-01-03	18.22	PETER CLAYTON	0350	0000			

9/13/01

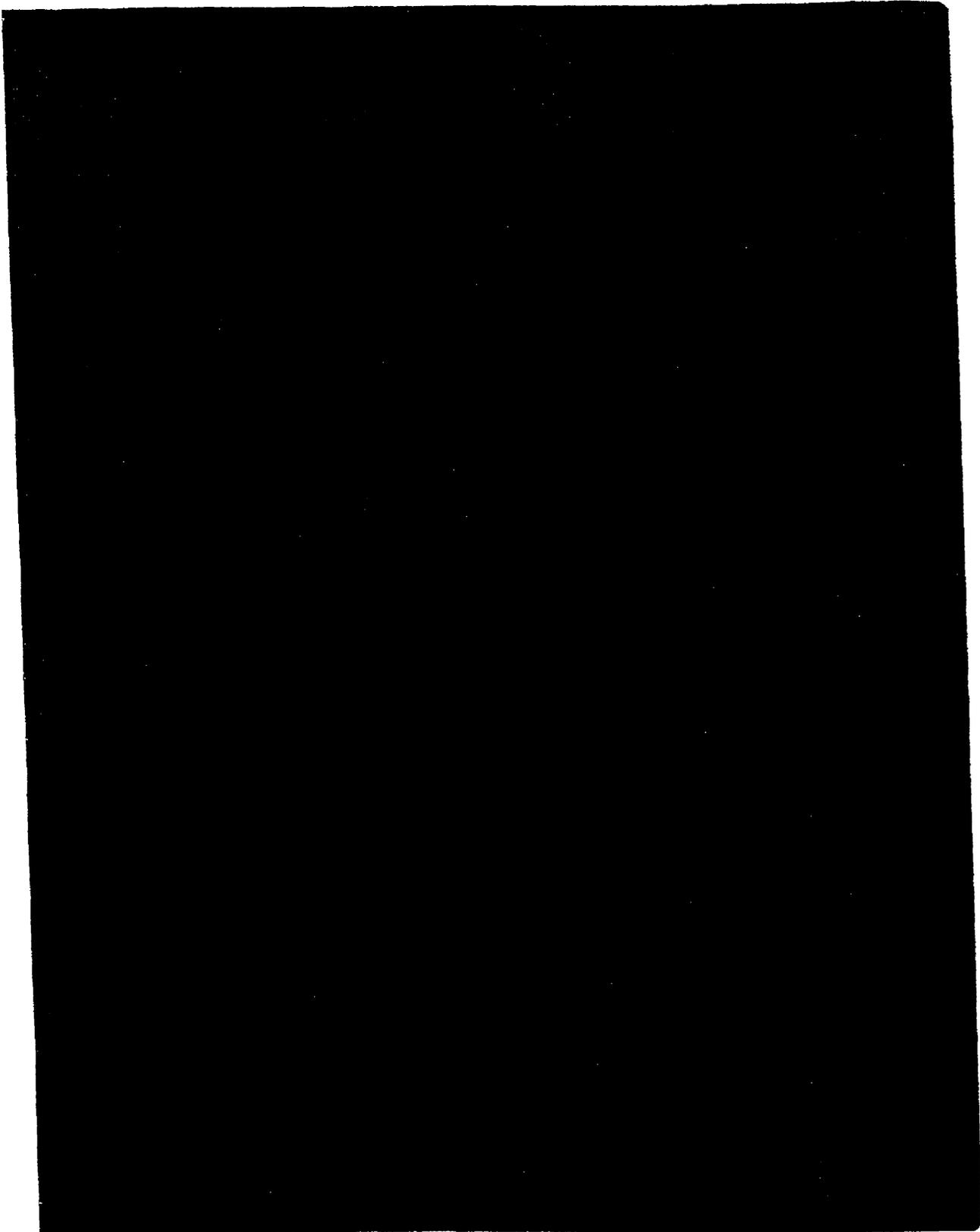
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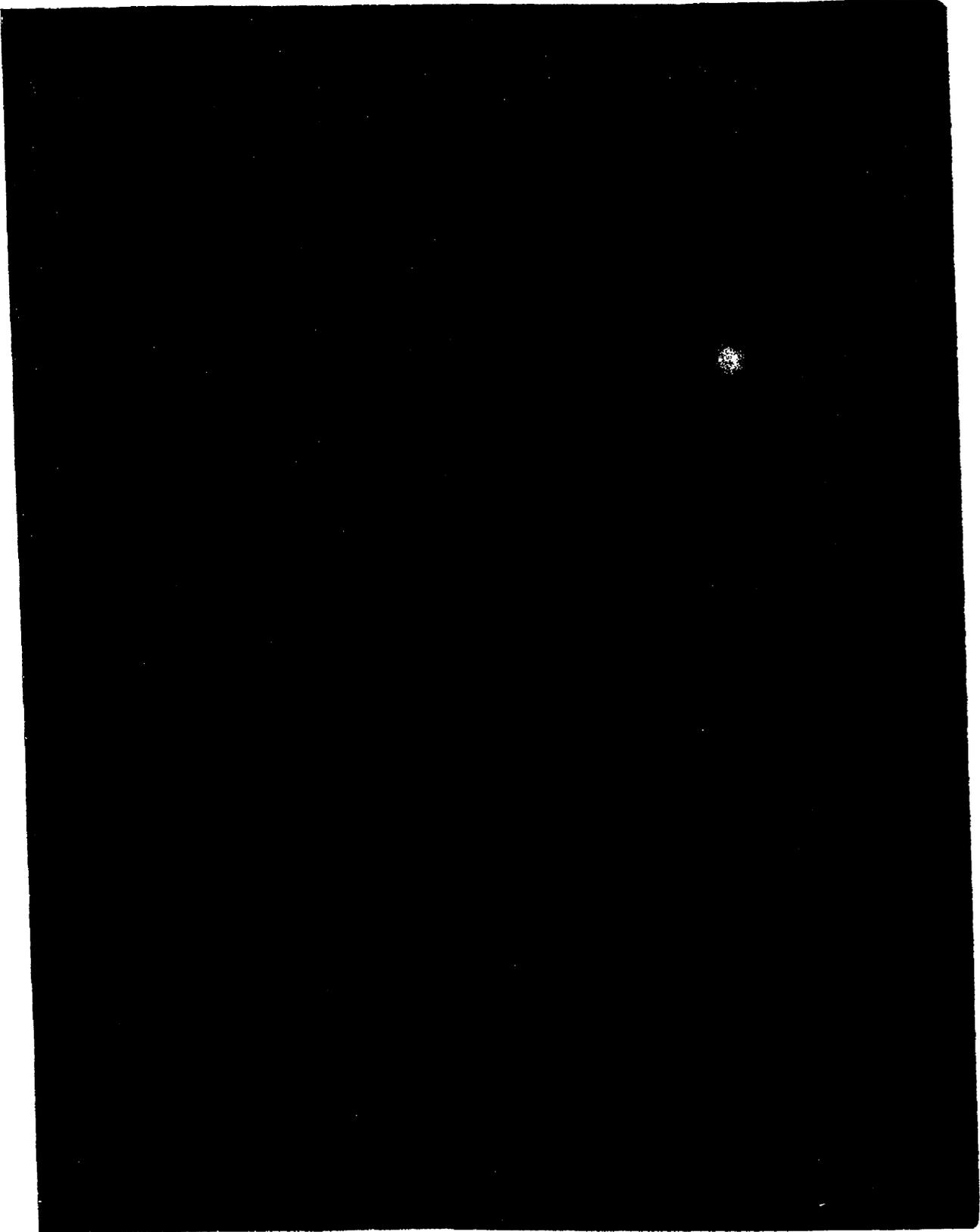
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44-2
6 p2

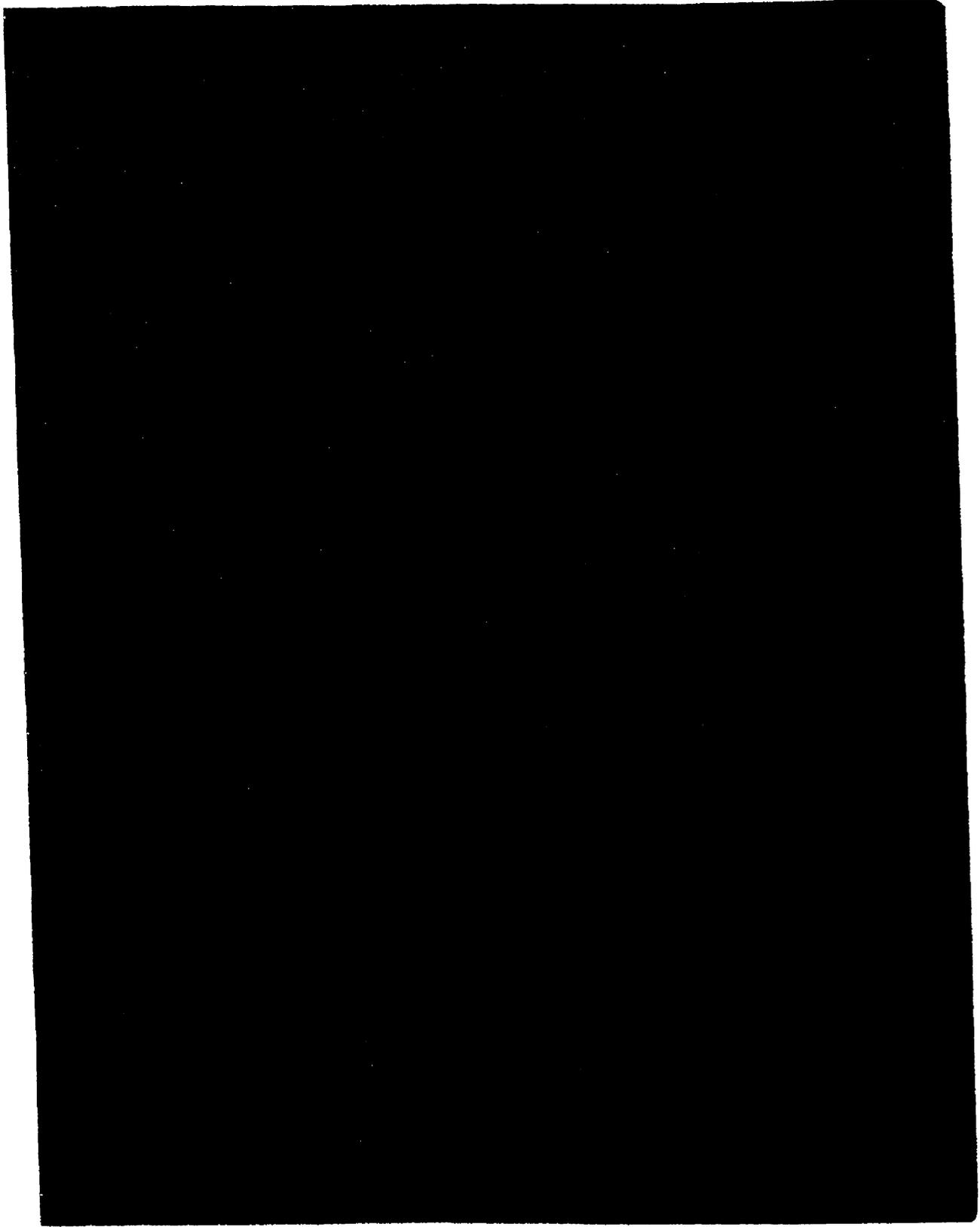


44-2

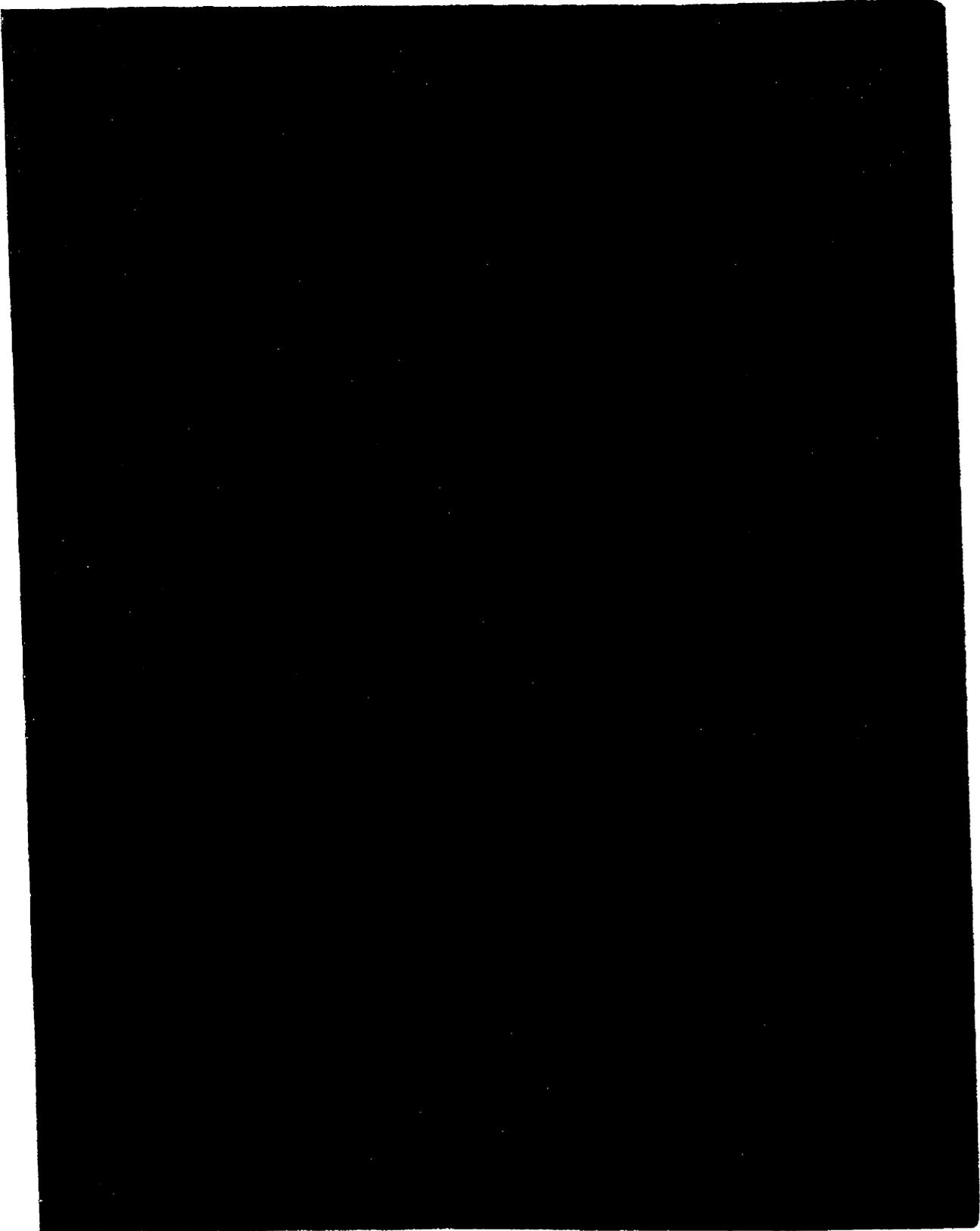
6 P3



44-2
6 P4



44-2
6 P.5



44-2

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FPL Fibernet

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44-7

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COMPANY : 41

LEDGER				POSTED	ACCRUAL	SCHEDULED INFORMATION				
DATE	JV#	PAGE#	SRC	STATUS	DATE	CYC	REVERSE	START DATE	STOP DATE	FREQUENCY
200101	23	0001	65000	COMPLETED			NO			(NOT SCHEDULED)

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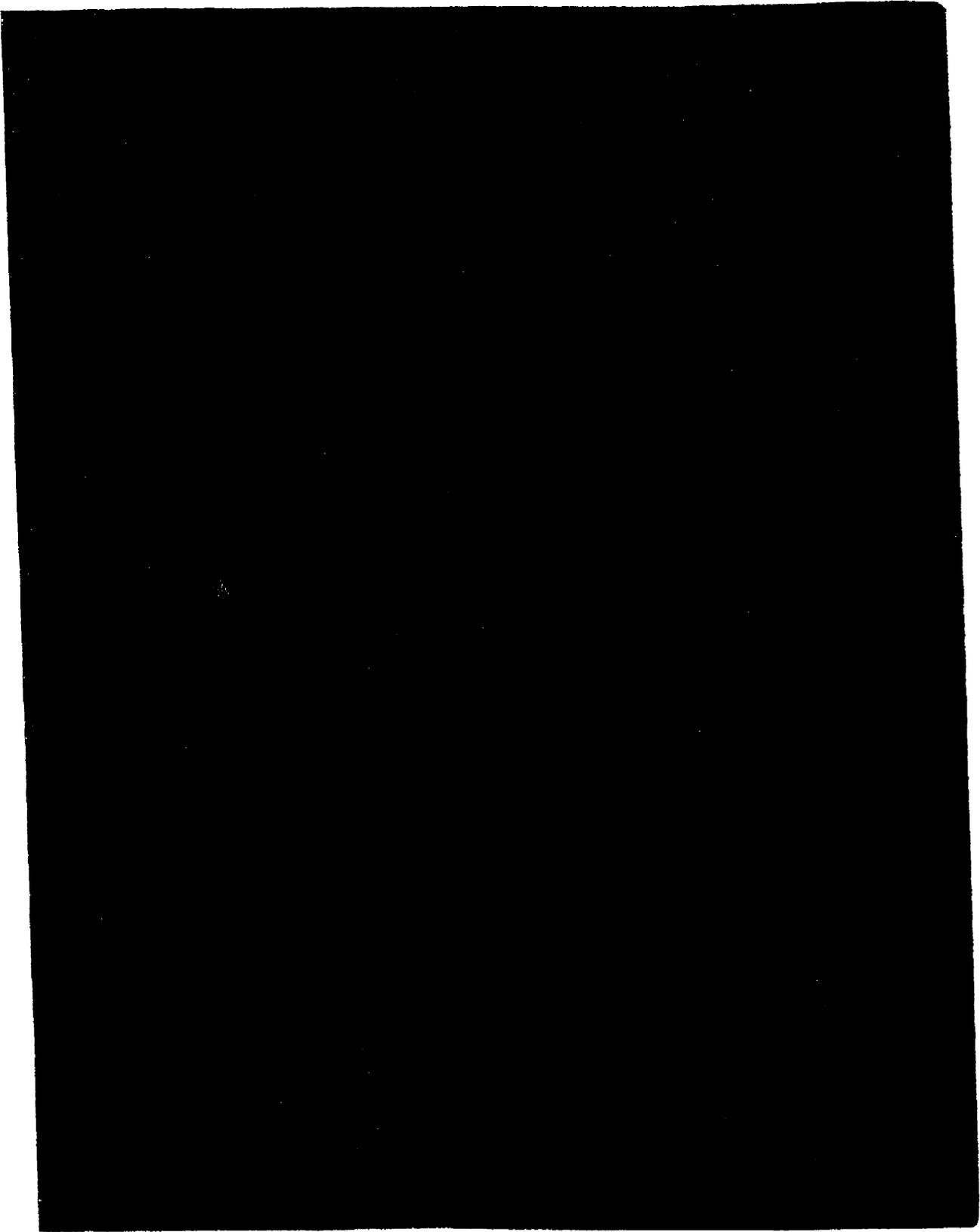
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9 [REDACTED]

10 [REDACTED]

44-2
7
p2



44-2

7 P3

FPL Fibernet

[Redacted]

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FLORIDA POWER & LIGHT COMPANY
ON-DEMAND QUERY REPORT

COMPANY : 41

LEDGER				POSTED		ACCRUAL	SCHEDULED INFORMATION			
DATE	JV#	PAGE#	SRC	STATUS	DATE	CYC	REVERSE	START DATE	STOP DATE	FREQUENCY
200102	23	0001	65000	COMPLETED			NO			(NOT SCHEDULED)

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10/22/01

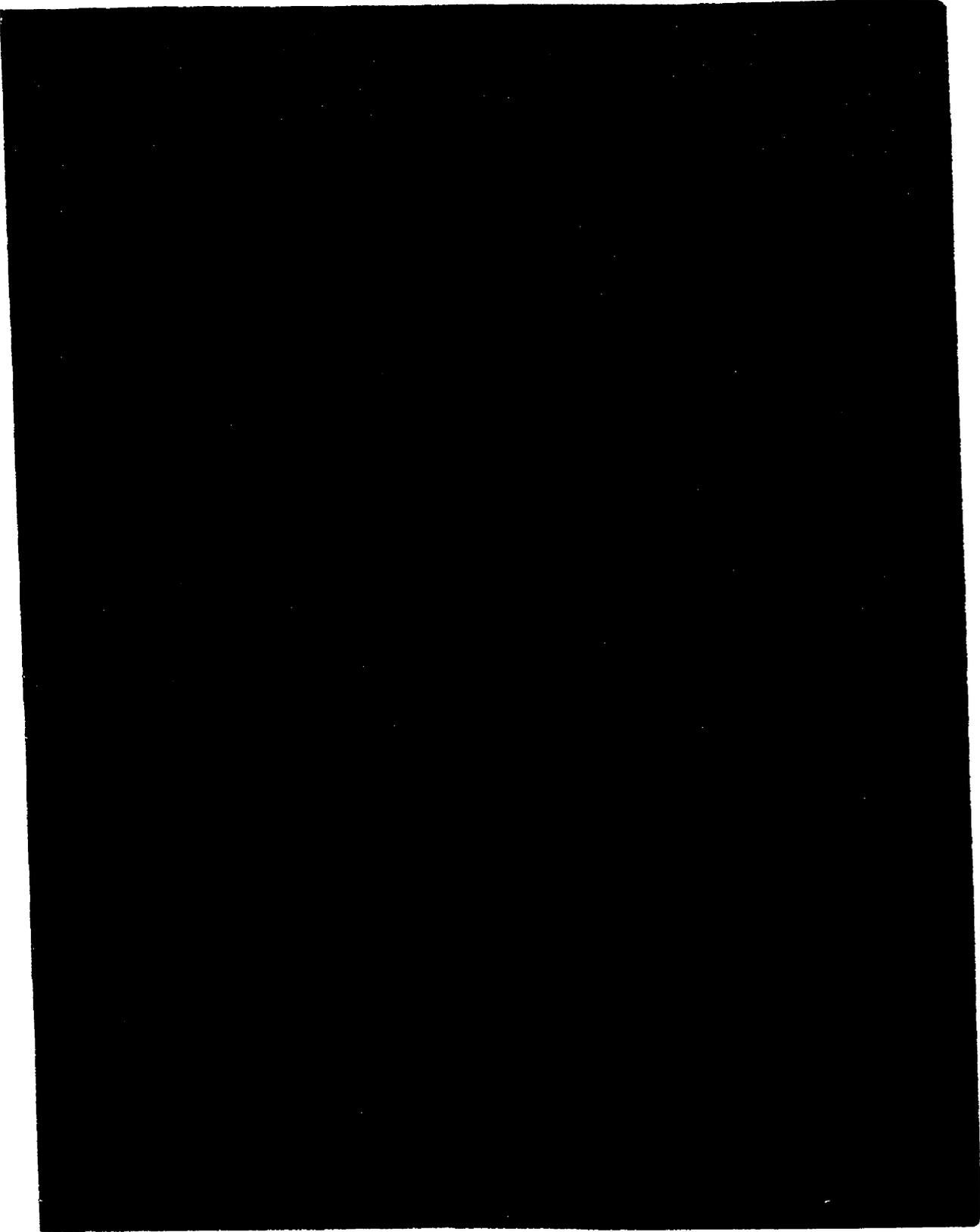
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44-2
8-1
P1



44-2
8-1 P2

COMPANY : 41

LEDGER				--- POSTED ---		ACCRUAL	--- SCHEDULED INFORMATION ---		
DATE	JV#	PAGE#	SRC	STATUS	DATE	REVERSE	START DATE	STOP DATE	FREQUENCY
200102 31	0010		65000	COMPLETED		NO			(NOT SCHEDULED)

90 2/23/01

km

APPROVAL INFORMATION			ENTERED/LAST CHANGED INFORMATION			EXCEPTION APPROVAL INFORMATION				
DATE	TIME	PERSON	DATE	TIME	PERSON	LOC	SECT	DATE	TIME	PERSON
			2001-02-23	13.33	GINA COX	0350	0000			

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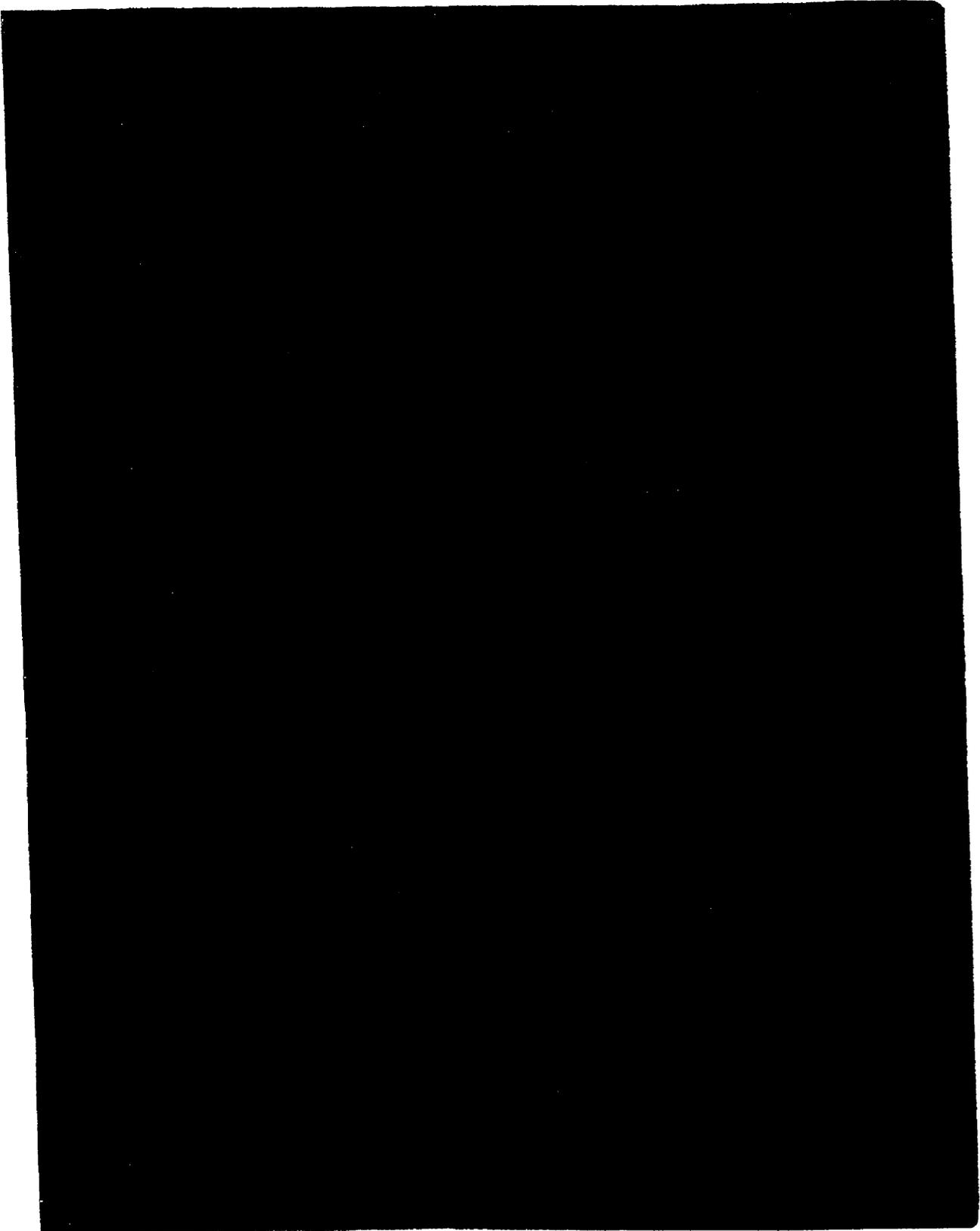
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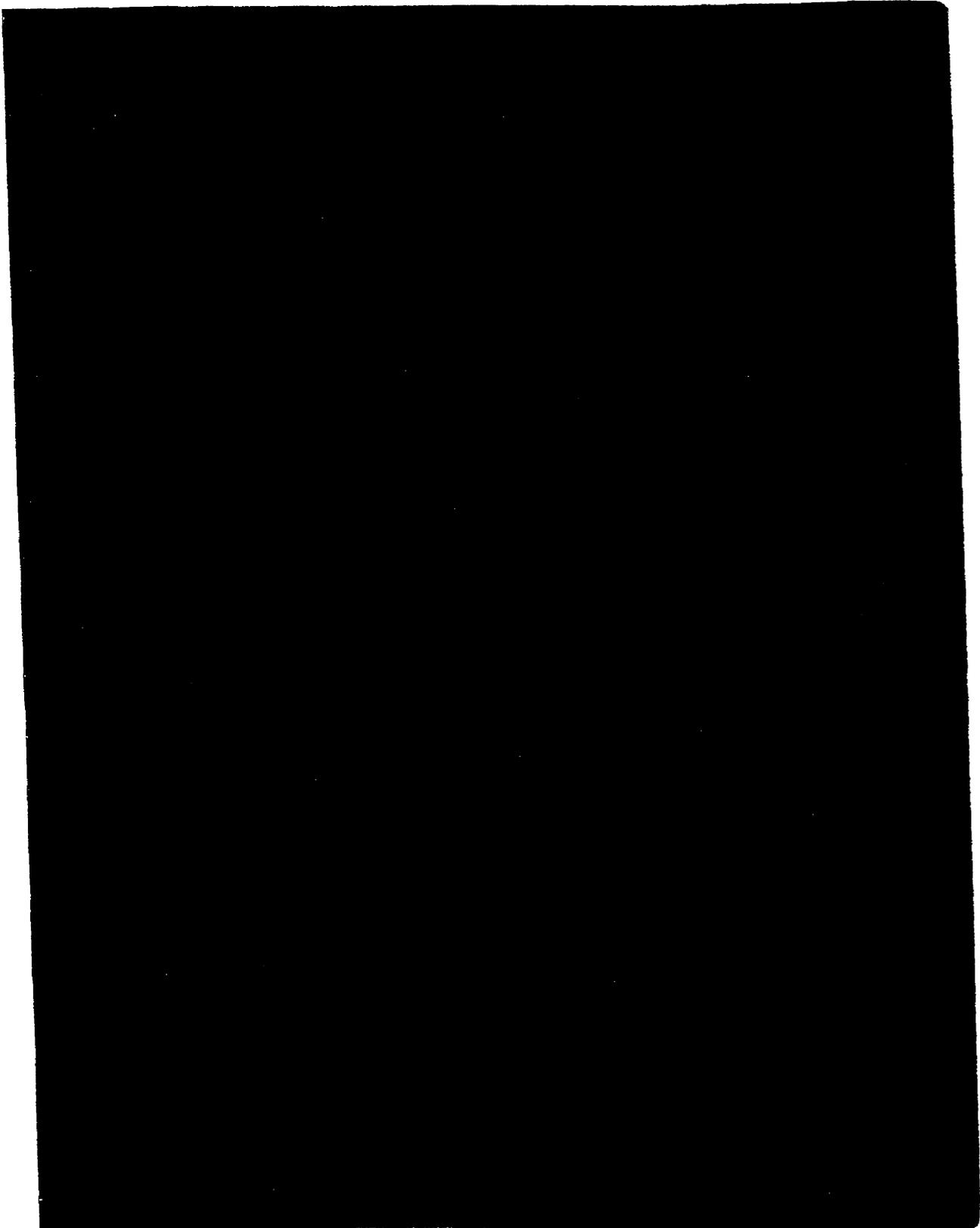
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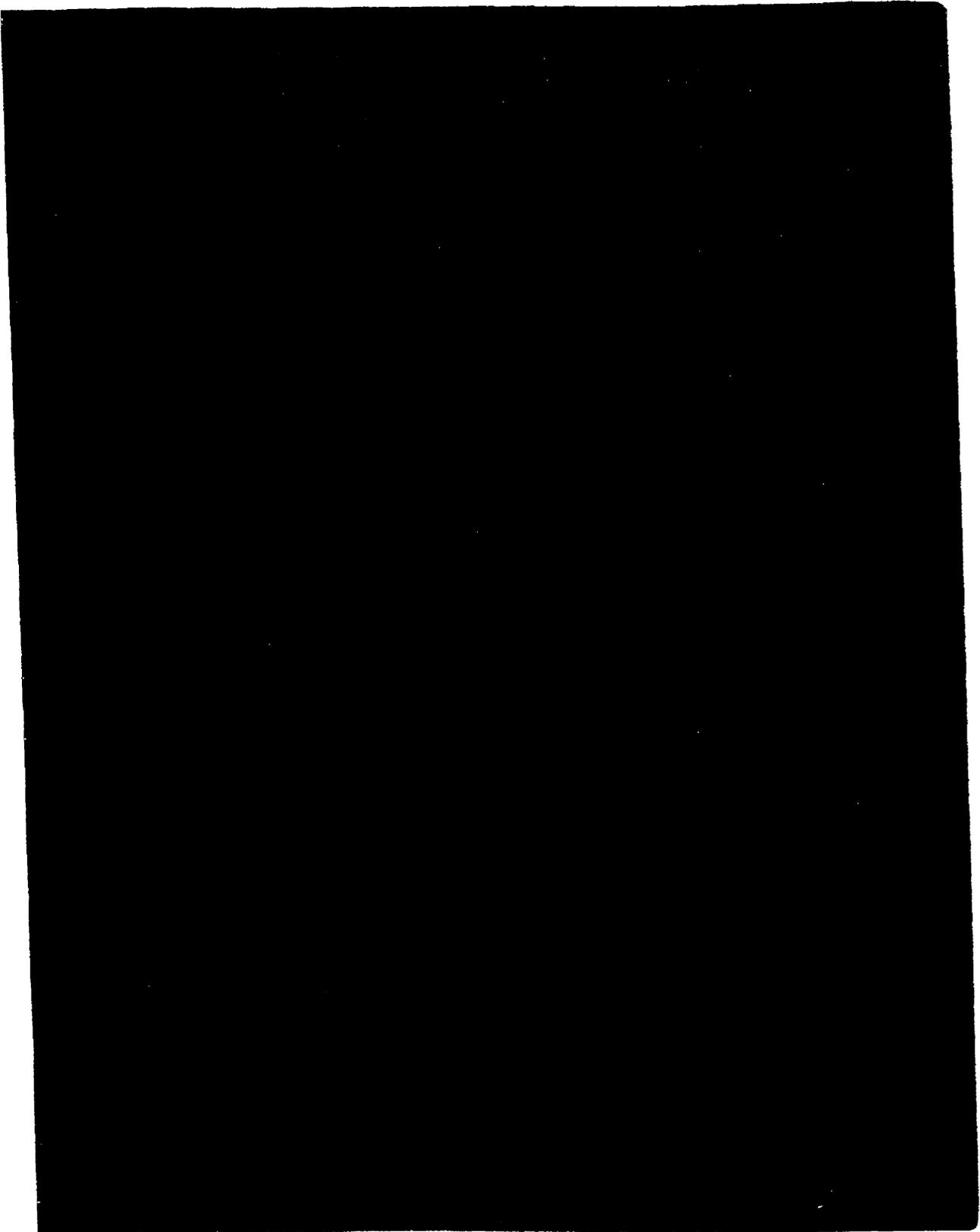
*44-2
8-2
P1*



44-2
8-2

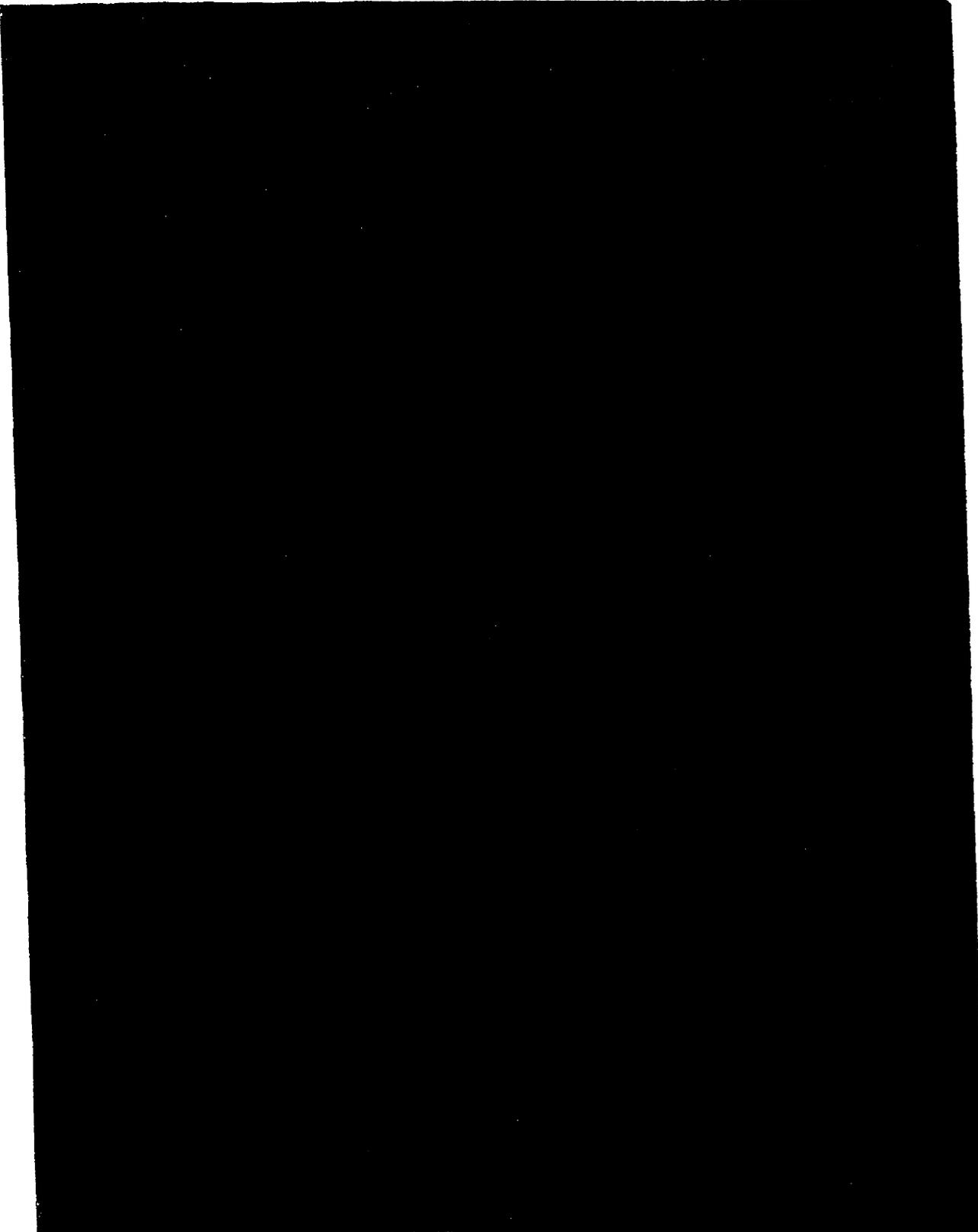


44-2
8-3
P1



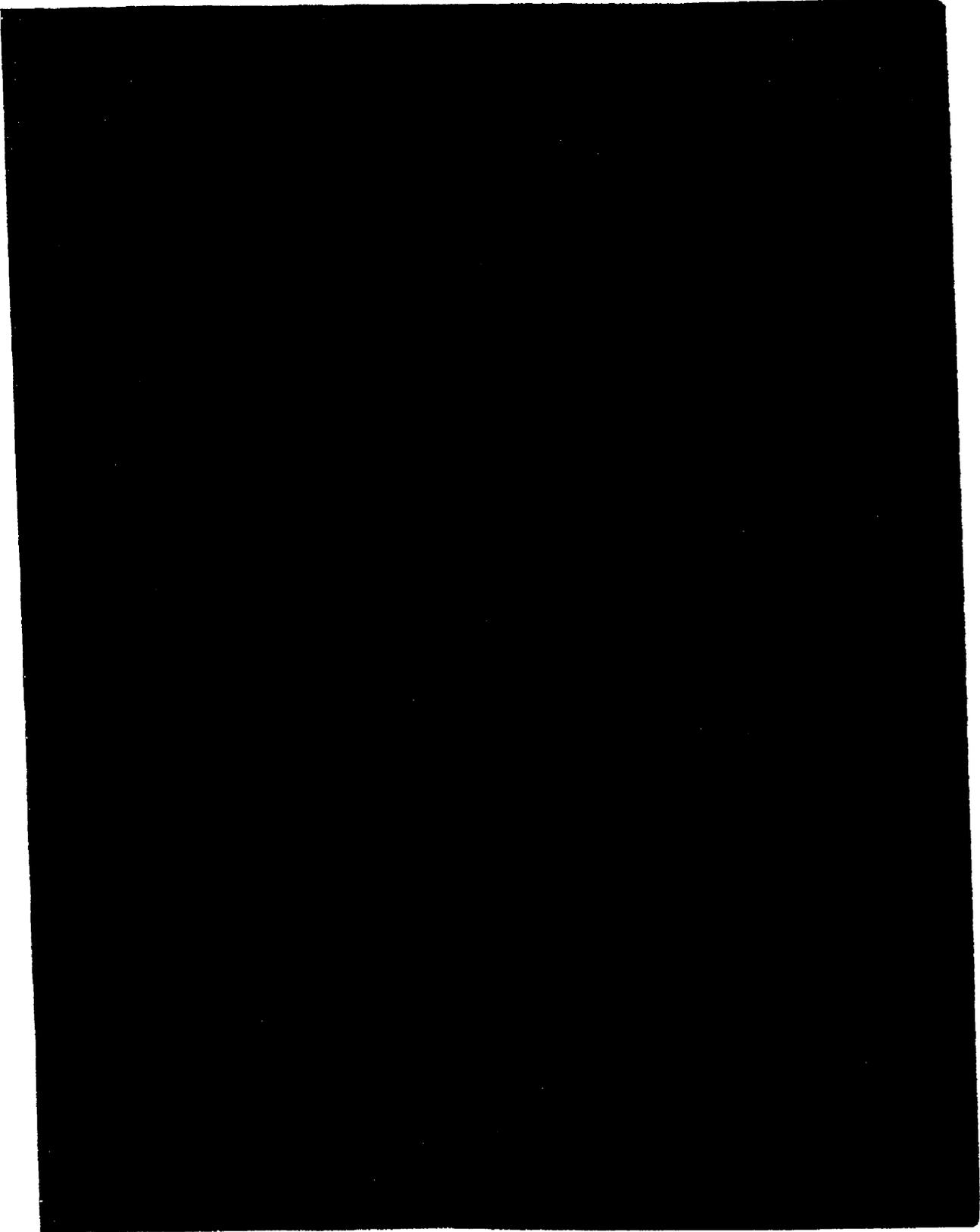
44-2
8-3

P2



44-2
8-3

P3



44-2

8-3

P4

FPL Fibernet

- 1 [REDACTED]
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COMPANY : 41

LEDGER				POSTED		ACCRUAL		SCHEDULED INFORMATION			
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C. Verdooren

APPROVAL INFORMATION			ENTERED/LAST CHANGED INFORMATION				EXCEPTION APPROVAL INFORMATION			
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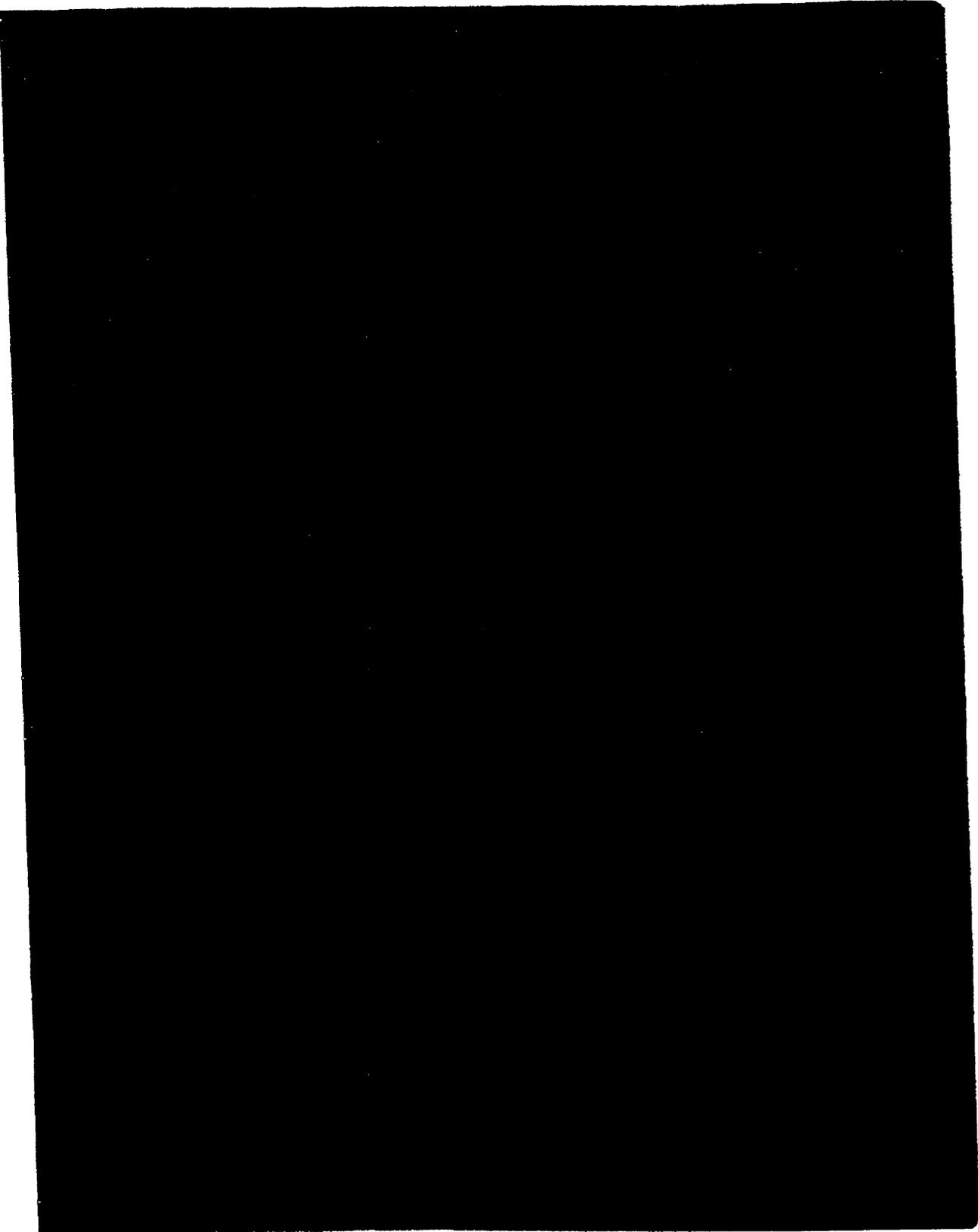
CA 11 2/01

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44-2
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44-2
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P3

FPL Fibernet

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18 [REDACTED]

44-2
 10
 P1

FLORIDA POWER & LIGHT COMPANY
ON-DEMAND QUERY REPORT

REPORT: 0X43-001-010430

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COMPANY : 41

LEDGER JV# PAGE# SRC STATUS
DATE 200104 23 0001 65000 COMPLETED

ACCURAL REVERSE NO
POSTED DATE
CYC

SCHEDULED INFORMATION
START DATE STOP DATE FREQUENCY
(NOT SCHEDULED)

Amelia

ENTERED/LAST CHANGED INFORMATION
DATE 2001-04-30 13.58 GINA COX

LOC SECT DATE
0350 0000

EXCEPTION APPROVAL INFORMATION
TIME PERSON

04/20/01

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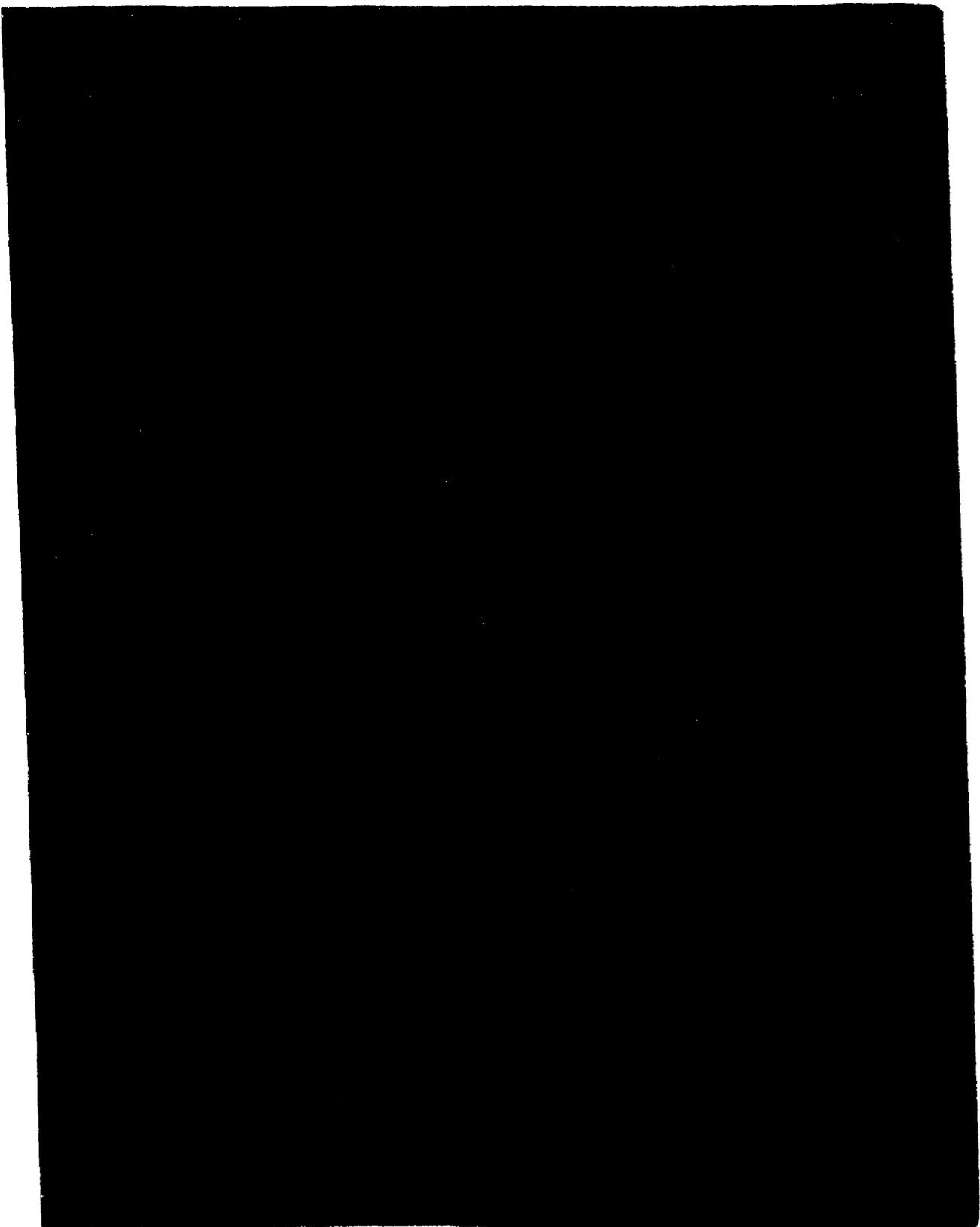
44-2
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P2

44-2

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P3



44-2

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P4

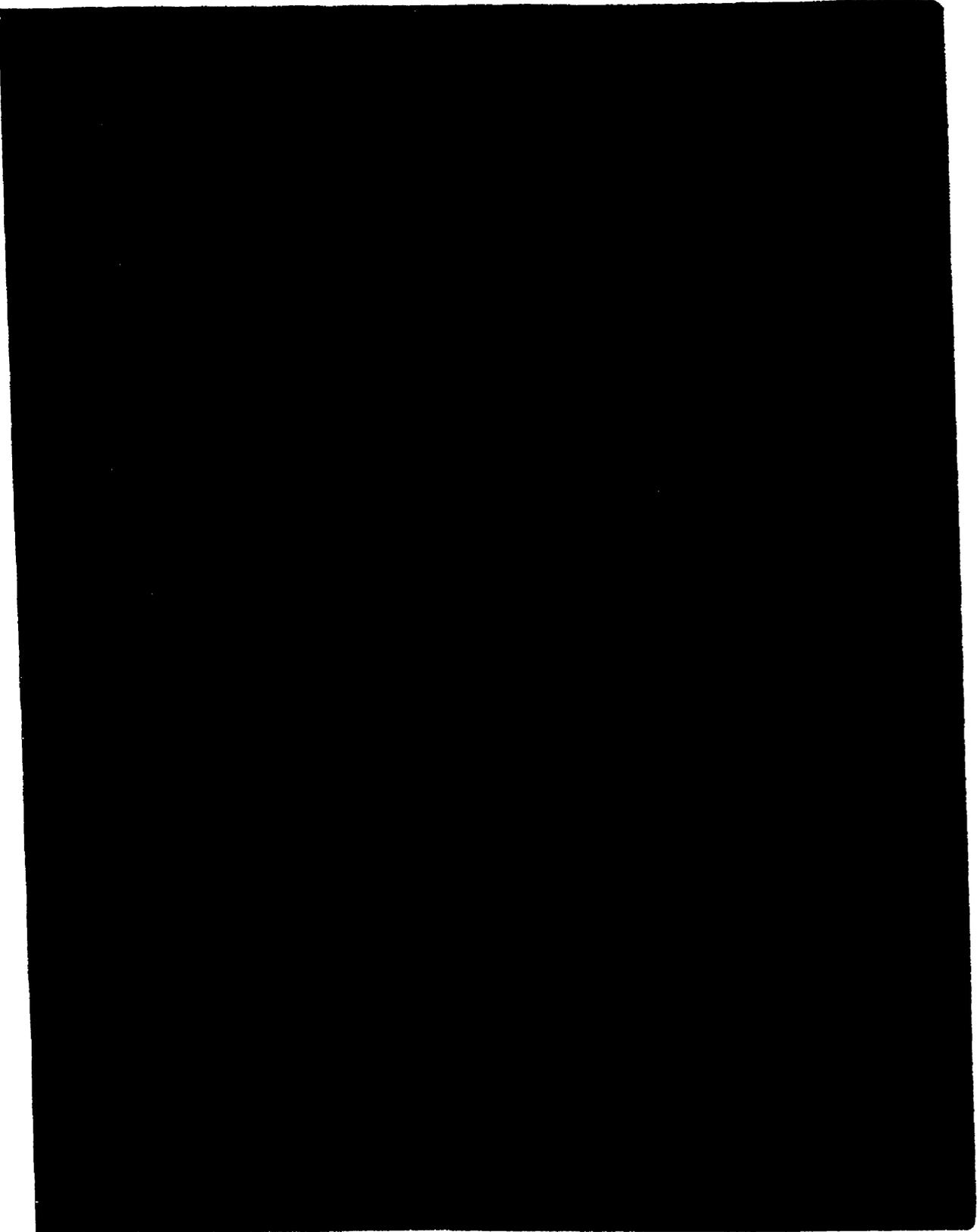


EXHIBIT C

JUSTIFICATION TABLE

OCTOBER 2001

44-1/8	Fibernet Income Statements	2	Y	All	(e)	Sol Stamm
44-1/9	Fibernet Income Statements	2	Y	All	(e)	Sol Stamm
44-1/10	Fibernet Income Statements	2	Y	All	(e)	Sol Stamm
44-1/11	Fibernet Income Statements	2	Y	All	(e)	Sol Stamm
44-1/12	Fibernet Income Statements	2	Y	All	(e)	Sol Stamm
44-1/13	Fibernet Income Statements	2	Y	All	(e)	Sol Stamm
44-1/14	Not Subject to Refund Revenue	1	Y Y	Lines 1 - 2 Lines 7 - 13	(e) (e)	Sol Stamm
44-1/14-1	Not Subject to Refund Revenue	1	Y	All	(e)	Sol Stamm
44-1/15	ITC Fees	1 2	Y Y Y Y	Lines 4 - 10 Lines 12 - 13 Lines 15 - 35 All	(e) (e) (e) (e)	Sol Stamm
44-2/1	Charges to Utility - 4/00	1	Y	Lines 1 - 13	(e)	Sol Stamm
44-2/1-1	Charges to Utility - 4/00	1	Y Y	Lines 1 - 7 Lines 9 - 12	(e) (e)	Sol Stamm
44-2/1-1/1	Charges to Utility - 4/00	2	Y	All	(e)	Sol Stamm
44-2/1-2	Charges to Utility - 4/00	1	N			
44-2/1-2/1	Charges to Utility - 4/00	2	Y	All	(e)	Sol Stamm
44-2/1-2/1-1	Charges to Utility - 4/00	1	Y	All	(e)	Sol Stamm

44-2/2	Charges to Utility - 5/00	1	Y	Lines 1 - 11	(e)	Sol Stamm
44-2/2-1	Charges to Utility - 5/00	1	Y	Lines 1 - 11	(e)	Sol Stamm
44-2/2-1/1	Charges to Utility - 5/00,6/00,7/00, 8/00	2	Y	All	(e)	Sol Stamm
44-2/3	Charges to Utility - 9/00	1	Y	Lines 1 - 15	(e)	Sol Stamm
44-2/3-1	Charges to Utility - 9/00	1	Y Y	Lines 1 - 7 Lines 9 - 12	(e) (e)	Sol Stamm
44-2/3-1/1	Charges to Utility - 9/00	2	Y	All	(e)	Sol Stamm
44-2/3-2	Charges to Utility - 9/00	1 2	Y Y	Lines 1 - 17 All	(e) (e)	Sol Stamm
44-2/3-3	Charges to Utility - 9/00	1 2 - 5	Y Y	Lines 1 - 19 All	(e) (e)	Sol Stamm
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44-2/5	Charges to Utility - 11/00	1	Y	Lines 1 - 12	(e)	Sol Stamm
44-2/5-1	Charges to Utility - 11/00	1 2 - 7	Y Y	Lines 1 - 20 All	(e) (e)	Sol Stamm
44-2/6	Charges to Utility - 12/00	1 2 3 - 5	Y Y Y	Lines 1 - 14 Lines 1 -11 All	(e) (e) (e)	Sol Stamm
44-2/6-1	Charges to Utility - 12/00	1	Y	All	(e)	Sol Stamm
44-2/7	Charges to Utility - 1/01	1 2 3	Y Y Y	Lines 1 - 12 Lines 1 - 10 All	(e) (e) (e)	Sol Stamm
44-2/8	Charges to Utility - 2/01	1	Y	Lines 1 - 20	(e)	Sol Stamm
44-2/8-1	Charges to Utility - 2/01	1 2	Y Y	Lines 1 - 9 All	(e) (e)	Sol Stamm
44-2/8-2	Charges to Utility - 2/01	1 2	Y Y	Lines 1 - 12 All	(e) (e)	Sol Stamm

EXHIBIT D

AFFIDAVITS

OCTOBER 2001

EXHIBIT D

**BEFORE THE FLORIDA
PUBLIC SERVICE COMMISSION**

In re: Florida Power & Light Company's)
Request for Confidential Classification)
Of Material Provided pursuant to)
Audit No. 01-173-4-1)

Docket No: _____

Filed October 15, 2001

STATE OF FLORIDA)
MIAMI-DADE COUNTY)

AFFIDAVIT OF RICK DEL CUETO

BEFORE ME, the undersigned authority, personally appeared Rick Del Cueto who, being first duly sworn, deposes and says:

1. My name is Rick Del Cueto. 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. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant and which are included in Exhibit A to FPL's Request for Confidential Classification. Documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute internal auditing controls and reports of internal auditors or information relating to same. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

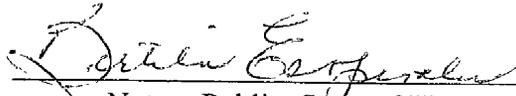
3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.



Rick Del Cueto

SWORN TO AND SUBSCRIBED before me this 10 day of October, 2001, by Rick Del Cueto, 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:



Bertilo Estepicolas
MY COMMISSION # C0802392 EXPIRES
January 14, 2003
BONDED THRU TROY FARM INSURANCE, INC.

EXHIBIT D

**BEFORE THE FLORIDA
PUBLIC SERVICE COMMISSION**

In re: Florida Power & Light Company's)
Request for Confidential Classification)
Of Material Provided pursuant to)
Audit No. 01-173-4-1)

Docket No: _____

Filed October 15, 2001

STATE OF FLORIDA)
)
MIAMI-DADE COUNTY)

AFFIDAVIT OF SOL STAMM

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

1. My name is Sol Stamm. I am currently employed by FPL FiberNet, LLC ("FiberNet") as Controller. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant and which are included in Exhibit A to FPL's Request for Confidential Classification. Documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information include FiberNet's financial projections, operating results, contract and pricing information, 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. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they 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.



Sol Stamm

SWORN TO AND SUBSCRIBED before me this 16 day of October 2001, by Sol Stamm, 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:

