

State of Florida



Public Service Commission

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DATE: November 16, 2001
TO: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES
FROM: DIVISION OF APPEALS (CIBULA) *SMC*
RE: DOCKET NO. 011321-EI

Please file the attached documents in the above-referenced docket file.

SMC
Attachments

- APP _____
- CAF _____
- CHP _____
- COM _____
- CTR _____
- EUR _____
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- SEC 1 _____
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DOCUMENT NUMBER-DATE

14563 NOV 16 01

FPSC-COMMISSION CLERK



Florida Power & Light Company, P. O. Box 029100, Miami, FL 33102-9100

(305) 552-4657

November 14, 2001

Samantha M. Cibula, Esquire
Associate General Counsel
State of Florida
Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0862

VIA FACSIMILE:
(850) 413-6203

**RE: Docket No. 011321-EI – Florida Power & Light Company's Request
for Confidential Classification of Material Provided Pursuant to Audit
No. 01-067-4-1**

Dear Ms. Cibula:

In follow up to FPL's November 13, 2001 response to you and our phone conversation this morning, you and Mr. Freeman indicated your agreement with FPL's response with the exception of one item in WP 1 Report, specifically page 1, line 23. FPL has reviewed this item and agrees to withdraw its request for confidential classification as to page 1, line 23 of WP 1 Report.

As requested, FPL will file a revised Justification Table and a revised redacted WP 1 Report to reflect the agreed upon changes described in FPL's November 13, 2001 response and in this follow up response. Thank you for your attention to this matter.

Very truly yours,

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

Robert E. Stone
Attorney

RES/sm

cc: Division of the Commission Clerk
and Administrative Services
(via facsimile (850) 413-7118)



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**RE: Docket No. 011321-EI – Florida Power & Light Company's Request
for Confidential Classification of Material Provided Pursuant to Audit
No. 01-067-4-1**

Dear Ms. Cibula:

Florida Power & Light Company ("FPL") is in receipt of your October 30, 2001 letter requesting that FPL review FPL's request for confidential classification of WP 1 Report, pages 1-3, 5-8, and 10-11. FPL has re-reviewed the information in WP 1 Report, pages 1-3, 5-8, and 10-11 and agrees to withdraw its request for confidential classification as to the following information contained in WP 1 Report:


- Page 2: Lines 13, 15 (Col. A & B), 21, 25 (Col. B), 27 (Col. B), 29 (Col. A & B) and 32.
- Page 3: Lines 12 (Col. A & B), 14 (Col. A & B), 17, 24, 30, 32 (Col. A & B), and 35 (the figure 17.47% only).
- Page 6: Line 11.
- Page 7: Lines 3, 4 and 5.
- Page 9: Lines 9 (Col. A), 12 (Col. B & C), 13 (Col. B & C), 15 (Col. A) (the characters "x6341/28000" only), 16 (Col. A), 19 (Col. B & C), 20 (Col. B & C), 21 (Col. A) (the characters "x608/3480" only), 22 (Col. A), 25 (Col. B & C), 26 (Col. B & C), 30 (Col. B & C), 31 (Col. B & C), 32 (Col. A) (the characters "X614/3480" only), 34 (Col. A & B) and 36 (Col. A).
- Page 10: Lines 22 (Col. B & C), 31 (Col. B & C) and 33 (Col. B & C).
- Page 11: Line 11 (Col. C).

Samantha M. Cibula, Esquire
Associate General Counsel
November 13, 2001
Page Two

The remaining information in document WP 1 Report for which FPL requests confidential classification is certainly that type of information that a competitor of FPL's affiliate FiberNet would be quite interested in obtaining. Essentially, what is disclosed in WP 1 Report is FiberNet's bill to FPL for use of FiberNet's fiber network and other facilities. The information in this WP 1 Report consists of actual billed amounts or actual balance information that could be used to develop profit and loss profiles for competitive products and services. If disclosed, this information could be used by a competitor of FiberNet to FiberNet's detriment. As Florida Statute 366.093(3)(e) provides, such proprietary confidential business information includes information relating to competitive interests, the disclosure of which would impair the competitive business of the provider [FiberNet] of the information. FPL has provided the Affidavit of Sol Stamm, FiberNet's Controller, attesting to the fact that the disclosure of this information would afford FiberNet's competitors an unfair advantage over FiberNet.

Finally, as I mentioned in our phone conversation this morning, please let me know if you still have concerns about the remaining information in WP 1 Report for which FPL requests confidential classification. Also, please let me know if FPL should submit a revised Justification Table and/or revised redacted documents. Thank you very much.

Very truly yours,



Robert E. Stone
Attorney

RES/sm

cc: Division of the Commission Clerk
and Administrative Services
(via facsimile (850) 413-7118)