



Writer's Direct Dial:
(561) 691-7101

R. Wade Litchfield
Senior Attorney
Florida Authorized House Counsel
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 691-7135 (Facsimile)

ORIGINAL

July 3, 2002

RECEIVED FPSC
02 JUL -3 PM 3:06
COMMISSION CLERK

VIA HAND DELIVERY

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

001237

Re: Florida Power & Light Company's First Request for Extension of Confidential Classification of Materials Granted by Order No. PSC-01-0132-CFO-EI

Dear Ms. Bayò:

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") First Request for Extension of Confidential Classification in connection with Audit No. 99-279-4-1. FPL is incorporating herewith by reference its Exhibits A, B, and C previously submitted in connection with its initial Request, but encloses an original and two (2) copies of a new Exhibit D, the Affidavit of Sol Stamm and Maria Fogarty.

Also included is a computer diskette containing the electronic version of FPL's First Request for Extension of Confidential Classification in Microsoft Word format.

Please do not hesitate to contact me should you or your Staff have any questions regarding this filing. Thanking you for your attention to this matter, I remain,

Sincerely,

R. Wade Litchfield

RWL/ec
Enclosures

- AUS _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- SEC _____
- OTH _____

RECEIVED & FILED
RWL
DOCUMENT NUMBER-DATE
06894 JUL-3 02
FPSC-BUREAU OF RECORDS
FPSC-COMMISSION CLERK

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for extension of confidential) DOCKET NO. _____
classification of materials granted)
by Order No. PSC-01-0132-CFO-EI) Date Filed: July 3, 2002

**FIRST REQUEST FOR EXTENSION
OF CONFIDENTIAL CLASSIFICATION OF
MATERIALS PROVIDED IN AUDIT NO. 99-279-4-1**

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 submits its First Request for Extension of Confidential Classification of certain materials provided to the Florida Public Service Commission ("FPSC" or "Commission") staff ("Staff") in connection with the Staff audit identified as Audit Control No. 99-279-4-1 (hereinafter the "Audit"). In support of its First Request for Extension of Confidential Classification, 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

R. Wade Litchfield
Florida Power & Light Company
Senior Attorney
700 Universe Boulevard
Juno Beach, Florida 33408-0420
(561) 691-7101
(561) 691-7135 Facsimile

2. On August 25, 2000, FPL filed with the Commission its Request for Confidential Classification of certain materials obtained during the Audit. FPL's initial filing consists of the Request for Confidential Classification and Exhibits A through D.

3. By Order No. PSC-01-0132-CFO-EI, dated January 18, 2001 in Docket No. 001237-EI, the Commission granted FPL's request.

4. The period of confidential treatment granted by the Commission will soon expire. The information that was the subject of FPL's August 25, 2000 Request warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093. Accordingly, FPL hereby submits its First Request for Extension of Confidential Classification.

5. FPL incorporates herein by reference Exhibits A, B, and C from its August 25, 2000 filing. Exhibit D attached herewith consists of the Affidavits of Sol Stamm and Maria Fogarty.

6. FPL seeks an extension of confidential protection for the information highlighted in Exhibit A. As indicated in the affidavits of Mr. Stamm and Ms. Fogarty, the information in

question continues to be competitively sensitive and should be protected for an additional period of eighteen months. This information principally consists of FiberNet's financial projections, operating results, contract and pricing information, cost data, and internal audits or audit reports. The information also includes detailed descriptions by location of FiberNet's telecommunications system and equipment that would tend to reveal FiberNet's system capabilities and/or deficiencies by location. 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.

7. The information also includes the names of FiberNet employees. As discussed by Mr. Stamm in the attached affidavit, because of the difficulty retaining competent employees in today's telecommunications market, FiberNet treats its employee directories and lists as confidential information. Access to such lists allows recruiters to conduct comprehensive "raids" of a company's employees, thus impairing its competitive business.

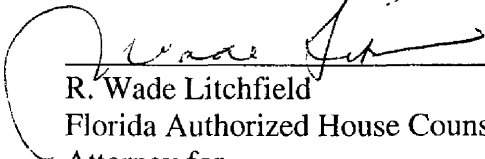
8. FPL submits that the highlighted information is proprietary confidential business information within the meaning of section 366.093(3). Pursuant to section 366.093, such information is entitled to an extension of confidential treatment and is exempt from the disclosure provisions of the public records 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.

9. Upon a finding by the Commission that the material in Exhibit A for which FPL seeks an extension of confidential treatment is proprietary confidential business information, 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 or incorporated herein by reference, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification be granted.

Respectfully submitted,



A handwritten signature in black ink, appearing to read "R. Wade Litchfield", is written over a horizontal line. The signature is fluid and cursive.

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

EXHIBIT D

AFFIDAVITS

EXHIBIT D

BEFORE THE

FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for extension of confidential)
classification of materials granted)
by Order No. PSC-01-0132-CFO-EI)

DOCKET NO. _____

Date Filed: **JULY 3, 2002**

STATE OF FLORIDA)
)
MIAMI-DADE COUNTY)

AFFIDAVIT OF MARIA FOGARTY

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

1. My name is Maria Fogarty. I am currently employed by Florida Power & Light Company ("FPL") as Director, 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 First Request for Extension of 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. Affiant says nothing further.

Maria V. Fogarty

Maria Fogarty

SWORN TO AND SUBSCRIBED before me this 1 day of July, 2002, by Maria Fogarty, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.

Bertela Espinosa

Notary Public, State of Florida

My Commission Expires:



MY COMMISSION # CC802392 EXPIRES
January 14, 2003
BONDED THRU TROY FAIR INSURANCE, INC.

EXHIBIT D

BEFORE THE FLORIDA

PUBLIC SERVICE COMMISSION

BEFORE THE

FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for extension of confidential) DOCKET NO. _____
classification of materials granted)
by Order No. PSC-01-0132-CFO-EI) Date Filed: July 3, 2002

STATE OF FLORIDA)
) AFFIDAVIT OF SOL STAMM
MIAMI-DADE COUNTY)


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 First Request for Extension of 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. In addition, the information includes detailed descriptions by location of FiberNet's telecommunications system and equipment that would tend to reveal FiberNet's system capabilities and/or deficiencies by location. 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. The information also includes the names of FiberNet employees. FiberNet considers its employee directories and lists to be confidential information. Employee retention is extremely difficult in today's telecommunications market. Disclosure of such lists provides recruiters with information that can be used to conduct comprehensive "raids" of a company's employees, thus impairing its competitive business. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials. The materials continue to be competitively sensitive and should be

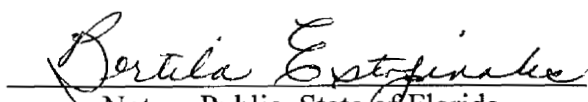
accorded confidential classification by the Commission for an additional period of eighteen months.

3. Affiant says nothing further.



Sol Stamm

SWORN TO AND SUBSCRIBED before me this 1 day of July, 2002, 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:

