



ORIGINAL

July 30, 2002

RECEIVED FPSC
12 JUL 30 PM 12:20
COMMISSION CLERK

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

020002-EG

**Re: Florida Power & Light Company's Request for Confidential Classification
Audit Control No. 02-064-4-1**

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. 02-064-4-1. 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 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.

RECEIVED & FILED

RLM

DOCUMENT NUMBER-DATE

07952 JUL 30 02

FPSC-BUREAU OF RECORDS

FPSC-COMMISSION CLERK

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
July 30, 2002
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 me 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 "R. E. Stone", with a long horizontal flourish extending to the right.

Robert E. Stone
Attorney

RES/sm

Enclosures

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Florida Power & Light Company's)
Request for Confidential Classification)
Of Material Provided pursuant to)
Audit Control No. 02-064-4-1

DOCKET No. 020002-EG
FILED: _____

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF MATERIALS
PROVIDED PURSUANT TO AUDIT NO. 02-064-4-1**

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. 02-064-4-1 (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) 521-3900

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

DOCUMENT NUMBER-DATE
07952 JUL 30 88
FPSC-COMMISSION CLERK

2. During the Audit, Staff requested access to various FPL reports and other documents. By letter dated July 16, 2002, Staff indicated its intent to retain certain work papers 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 August 6, 2002, 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 Dennis Reynolds and Rick Del Cueto.

4. FPL seeks confidential protection for the information highlighted in Exhibit A.

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.

5. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of section 366.093(3). The information for which FPL seeks confidential classification consists of customer-specific account information. FPL considers such information to be confidential proprietary business information of the customer within the meaning of section 366.093(3)(e) and does not disclose such information to third parties unless required by law or unless the customer consents to the disclosure. The Commission in the past has found customer-specific information to be proprietary confidential business information.¹ Additionally, the highlighted information in Exhibit A also contains FPL business plans and strategies which FPL considers to be confidential proprietary business information, the disclosure of which would impair the competitive business of FPL. Finally, the

¹ *In re: Petition for approval of proposed pilot/experimental Real Time Pricing Program and the associated rate schedule by Gulf Power Company*, Docket No. 941102-EI, Order No. PSC-98-0421-CFO-EI, 99 FPSC 3:310; *In re: Electric Service Quality (ESQ) Audit Request for Confidentiality (Audit Control No. 97-01-002)*, Docket No. 971668-EI, Order No. PSC-98-0620-CFO-EI, 98 FPSC 5:28; *In re: Request for confidential classification of portions of audit report regarding Commercial/Industrial Demand Side Management by Florida Power & Light Company*, Docket No. 961013-EI, Order No. PSC-96-1478-CFO-EI, 96 FPSC 12:184.

highlighted information also contains internal audit controls or reports or information relating to same. Such information is entitled to protection under section 366.093(3)(b). Support for FPL's request is provided through the Affidavits of Dennis Reynolds and Rick Del Cueto included as Exhibit D. The statutory bases for FPL's assertion of confidentiality with regard to each document or portion thereof are set forth in the Justification Table.

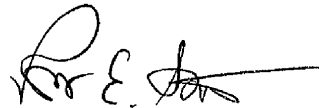
6. The material in Exhibit A for which FPL seeks confidential classification is intended to be and is treated by FPL as private and has not been disclosed.

7. 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: July 29th, 2002



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