

STATE OF FLORIDA

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DIVISION OF AUDITING & SAFETY  
DANIEL M. HOPPE, DIRECTOR  
(850) 413-6480

Public Service Commission

September 11, 2002

Mr. Robert E. Stone  
Florida Power & Light Company  
Attorney  
P.O. Box 029100 LAW/GO  
Miami, Florida 33102-9100

Re: Docket 020002-EI, Request for confidential classification for material provided during "Florida Power & Light Company (FPL) Energy Conservation Cost Recovery Clause Audit for the Year Ended December 31, 2001, Audit No. 02-064-4-1

Dear Mr. Stone:

On July 8, 2002, FPL filed a request for confidential protection for certain portions of staff's working papers prepared in connection with the "FPL Energy Conservation Cost Recovery Audit for the Year Ended December 31, 2001, Audit No. 02-064-4-1. The following two (2) deficiencies were found in reviewing FPL's request:

- 1) Working paper 41-1/1-1, pages 3,7,8,11
- Working paper 41-1/1-2, pages 1,4,5
- Working paper 41-1/1-3, pages 1,4,8
- Working paper 43-6, page 1
- Working paper 43-7, page 1
- Working paper 44-7/1-1/1, pages 1-7
- Working paper 44-9/1-1/1, pages 1-7

The above-listed documents, either entirely or in part, report transactions with customer/vendors which appear to be Florida Governmental entities, and therefore, certain information and transactions reported upon these working papers may be public record, and therefore not eligible for a confidential classification. Please revise your filing to indicate which ordinance, rule, law, or other circumstance provides a public records exclusion for these materials.

AUS \_\_\_\_\_  
CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
GCL \_\_\_\_\_  
OPC \_\_\_\_\_  
MMS \_\_\_\_\_  
SEC   1    
OTH \_\_\_\_\_

DOCUMENT NUMBER - DATE

09615 SEP 11 02

FPSC-COMMISSION CLERK

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Deficiencies (continued)

2) Working paper 43-6/10, pages 7,10

Working Paper 43-6/11, page 1

Working paper 43-6/12, pages 1,2

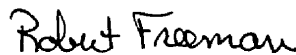
Working paper 43-7/3, pages 1,2

Section 366.093(f), Florida Statutes, provides that employee information related to compensation, duties, qualifications, or responsibilities is not eligible for confidential protection. The Commission has interpreted this section of the law such that utility employee names and their employment duties are not eligible for confidential protection (See Commission orders 25238 and 25237, dated October 22, 1991 and Commission order 92-1003-CFO-TL, dated September 17, 1992). The above working papers appear to contain the names and duties of people who are utility employees. Please review your filing to ensure the names and duties of utility employees remain within the public record or indicate which rule, law, or other instance provides a public exclusion for these names and duties.

You may, as necessary, revise your request to include revising your pleading, justification tables, highlighted copies or redacted copies concerning these matters within three weeks from the date of this letter. Otherwise, I will make a recommendation to the hearing officer based upon the current filing.

If you have any technical questions regarding these matters, please call Bob Freeman at 850-413-6485. If you have procedural questions or if you would like to talk to the staff attorney assigned to the case please call Lorena Holley at 850-413-6185.

Sincerely,

  
Robert Freeman  
Government Analyst II

cc: Office of General Counsel (Holley)  
Bureau of Records and Hearing Services (Flynn)