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Public Service Commission

December 12, 2002

Mr. R. Wade Litchfield
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420

Re: Docket 020001-EI - Request for extension of confidential classification of material provided in Audit No. 99-025-4-1, Document Nos. 08553-99 and 09075-99

Dear Mr. Litchfield:

On September 18, 2002, Florida Power & Light Company (FPL) filed a request for an extension of confidential protection for certain portions of staff's working papers prepared in connection with the FPL Capacity Clause Recovery Audit for the year Ended December 31, 1998, Audit No. 99-025-4-1. The following deficiency was found in reviewing FPL's request:

- 1) Working Paper 9-1/1-1 (1 page) - April, 1999, Transmission Service Invoice
- 2) Working Paper 9-1/2-1 (1 page) - December, 1998, Transmission Service Invoice
- 3) Working Paper 9-1/3-1 (1 page) - September, 1998, Transmission Service Invoice
- 4) Working Paper 9-1/4-1 (1 page) - January, 1999, Transmission Service Invoice
- 5) Working Paper 9-1/5-1 (1 page) - March, 1999, Transmission Service Invoice
- 6) Working Paper 9-1/6-1 (1 page) - May, 1999, Transmission service Invoice

DEFICIENCY

Section 366.093 (4), Florida Statutes, requires that the utility show why the release of information which has been held as confidential for 18 months would still cause harm. FPL has requested extension for the confidential period beyond 18 months on the basis merely that these documents were sensitive. The utility needs to explain why, after 18 months, release of the information would still harm the company.

When sensitive long term energy-related contractual information is considered for confidential protection, the Commission has limited confidential protection to 5 years or the time it takes to negotiate a new contract whichever is less. See, Order No. PSC-94-1224-CFO-EI, issued October

DOCUMENT NUMBER - DATE

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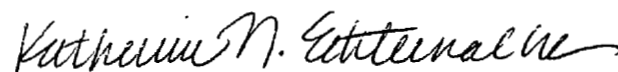
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6, 1994, in Docket No. 940001-EI and Order No. PSC-96-0198-CFO-EI, issued February 13, 1996, in Docket No. 960001-EI. This filing does not disclose the term of the contract or contracts in question.

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

If you have any further questions regarding this matter, please do not hesitate to contact me at (850) 413-6218 or Bob Freeman, Government Analyst, at (850) 413-6485.

Sincerely,



Katherine N. Echtenacht
Office of the General Counsel

KE:

cc: Division of the Commission Clerk and Administrative Services
Division of Auditing and Safety (Freeman)