



ORIGINAL

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

(305) 552-4657

May 28, 2003

RECEIVED 7:00
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COMMISSION
CLERK

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

VIA HAND DELIVERY

011362-E1

**Re: Florida Power & Light Company's
First Request For Extension Of Confidential Classification Granted
by Order No. PSC-01-2334-CFO-EI of Certain Material Obtained
Pursuant To Audit Control No. 01-173-4-1**

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") First Request for Extension of Confidential Classification Granted by FPSC Order No. PSC-01-2334-CFO-EI.

Exhibit D contains the Affidavits of Sol Stamm and Rick Del Cueto in support of FPL's First Request for Extension of Confidential Classification. Also included is a computer diskette containing the electronic version of FPL's First Request for Extension in Word format and the Justification Table in Excel format.

Pursuant to rule 25-22.006(9)(c) of the Florida Administrative Code, FPL requests
_____ confidential treatment of the information identified in Order No. PSC-01-2334-CFO-EI pending
_____ disposition of FPL's First Request for Extension of Confidential Classification.

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

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FPSC-BUREAU OF RECORDS

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04765 MAY 28 8

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
May 28, 2003
Page 2

Finally, enclosed is an additional copy of FPL's First Request For Extension of Confidential Classification. Please file stamp 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 "Robert E. Stone". The signature is fluid and cursive, with a large initial "R" and "S".

Robert E. Stone
Attorney

RES/sm

Enclosures

2. On October 15, 2001, 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. FPL adopts and incorporates by reference its October 15, 2001 request, including Exhibits A, B, C and D.

3. By Order No. PSC-01-2334-CFO-EI dated November 30, 2001, 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 October 15, 2001 Request warrants continued treatment as proprietary and confidential business information with the meaning of section 366.093. Attached as Exhibit C hereto is a table containing a line-by-line and page-by-page identification of the information for which continued confidential treatment is sought, and, with regard to each document or portion thereof, reference 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."

5. Included herewith and made a part hereof is Exhibit D. Exhibit D consists of the Affidavits of Rick Del Cueto and Sol Stamm, which Affidavits shall supplement Exhibit D previously filed October 15, 2001.

6. FPL submits that such information is proprietary confidential business information within the meaning of section 366.093(3). Pursuant to section 366.093,

such materials are entitled to confidential treatment and are 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.

7. The statutory bases for FPL's assertion of confidentiality with regard to each document or portion thereof are set forth in the Justification Table under the column titled "FLORIDA STATUTE 366.093(3)." The letters (a) through (f) refer to subsections of section 366.093(3), as applicable. Support for FPL's Request for Confidential Classification of the referenced material is provided through the Affidavits of Rick Del Cueto and Sol Stamm. The Justification Table identifies the basis for FPL's assertion of confidentiality with regard to each document or portion thereof.

8. FPL seeks confidential protection for the information highlighted in Exhibit A. This information principally consists of FiberNet's financial projections, operating results, contract and pricing information, cost data, and internal audits or audit reports. 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.

9. Further, as Mr. Rick Del Cueto indicates, Exhibit A includes information that contains or constitutes internal audit controls or reports or information relating to same.

Such information is entitled to protection under section 366.093(3)(b).

10. The material for which FPL seeks continued confidential classification is intended to be and is treated by FPL as private and has not been disclosed. Nothing has changed since the issuance of Order No. PSC-01-2334-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate.

11. Accordingly, FPL requests that the information identified in the Justification Table and highlighted in Exhibit A to the October 15, 2001 Request for Confidential Classification and referenced in Order No. PSC-01-2334-CFO-EI be accorded confidential classification for an additional eighteen month period. FPL further requests that the information 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,



Robert E. Stone
Attorney for
Florida Power & Light Company
9250 West Flagler Street
Miami, Florida 33174
(305) 552-4657

1/12/07, 2007

EXHIBIT C

JUSTIFICATION TABLE

MAY 2003

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Workpapers
AUDIT: FPL., Revenue Refund
AUDIT CONTROL NO: 01-173-4-1

FLORIDA
 STATUTE
 366.093(3)

WKPAPER NO. DESCRIPTION NO. OF PAGES CONF. Y/N LINE NO./ COL. NO. Subsection: AFFIANT

9	Internal Audit Review	4	Y	All	(b)	Rick Del Cueto
44	Fibernet Adjustment to Refund	1	Y	All	(e)	Sol Stamm
44-1	Fibernet Adjustment to Refund	1 2 -13	Y Y	Lines 1 -22 All	(e) (e)	Sol Stamm
44-1/1	Fibernet Income Statements	3	Y	All	(e)	Sol Stamm
44-1/2	Fibernet Income Statements	2	Y	All	(e)	Sol Stamm
44-1/3	Fibernet Income Statements	2	Y	All	(e)	Sol Stamm
44-1/4	Fibernet Income Statements	2	Y	All	(e)	Sol Stamm
44-1/5	Fibernet Income Statements	2	Y	All	(e)	Sol Stamm
44-1/6	Fibernet Income Statements	2	Y	All	(e)	Sol Stamm

44-1/7	Fibernet Income Statements	2	Y	All	(e)	Sol Stamm
44-1/8	Fibernet Income Statements	2	Y	All	(e)	Sol Stamm
44-1/9	Fibernet Income Statements	2	Y	All	(e)	Sol Stamm
44-1/10	Fibernet Income Statements	2	Y	All	(e)	Sol Stamm
44-1/11	Fibernet Income Statements	2	Y	All	(e)	Sol Stamm
44-1/12	Fibernet Income Statements	2	Y	All	(e)	Sol Stamm
44-1/13	Fibernet Income Statements	2	Y	All	(e)	Sol Stamm
44-1/14	Not Subject to Refund Revenue	1	Y Y	Lines 1 - 2 Lines 7 - 13	(e) (e)	Sol Stamm
44-1/14-1	Not Subject to Refund Revenue	1	Y	All	(e)	Sol Stamm
44-1/15	ITC Fees	1 2	Y Y Y Y	Lines 4 - 10 Lines 12 - 13 Lines 15 - 35 All	(e) (e) (e) (e)	Sol Stamm
44-2/1	Charges to Utility - 4/00	1	Y	Lines 1 - 13	(e)	Sol Stamm
44-2/1-1	Charges to Utility - 4/00	1	Y Y	Lines 1 - 7 Lines 9 - 12	(e) (e)	Sol Stamm
44-2/1-1/1	Charges to Utility - 4/00	2	Y	All	(e)	Sol Stamm
44-2/1-2	Charges to Utility - 4/00	1	N			

44-2/1-2/1	Charges to Utility - 4/00	2	Y	All	(e)	Sol Stamm
44-2/1-2/1-1	Charges to Utility - 4/00	1	Y	All	(e)	Sol Stamm
44-2/2	Charges to Utility - 5/00	1	Y	Lines 1 - 11	(e)	Sol Stamm
44-2/2-1	Charges to Utility - 5/00	1	Y	Lines 1 - 11	(e)	Sol Stamm
44-2/2-1/1	Charges to Utility - 5/00,6/00,7/00,8/00	2	Y	All	(e)	Sol Stamm
44-2/3	Charges to Utility - 9/00	1	Y	Lines 1 - 15	(e)	Sol Stamm
44-2/3-1	Charges to Utility - 9/00	1	Y Y	Lines 1 - 7 Lines 9 - 12	(e) (e)	Sol Stamm
44-2/3-1/1	Charges to Utility - 9/00	2	Y	All	(e)	Sol Stamm
44-2/3-2	Charges to Utility - 9/00	1 2	Y Y	Lines 1 - 17 All	(e) (e)	Sol Stamm
44-2/3-3	Charges to Utility - 9/00	1 2 - 5	Y Y	Lines 1 - 19 All	(e) (e)	Sol Stamm
44-2/4	Charges to Utility - 10/00	1 2	Y Y	Lines 1 - 16 Lines 1 - 12	(e) (e)	Sol Stamm
44-2/5	Charges to Utility - 11/00	1	Y	Lines 1 - 12	(e)	Sol Stamm
44-2/5-1	Charges to Utility - 11/00	1 2 - 7	Y Y	Lines 1 - 20 All	(e) (e)	Sol Stamm
44-2/6	Charges to Utility - 12/00	1 2 3 - 5	Y Y Y	Lines 1 - 14 Lines 1 - 11 All	(e) (e) (e)	Sol Stamm
44-2/6-1	Charges to Utility - 12/00	1	Y	All	(e)	Sol Stamm
44-2/7	Charges to Utility - 1/01	1 2 3	Y Y Y	Lines 1 - 12 Lines 1 - 10 All	(e) (e) (e)	Sol Stamm
44-2/8	Charges to Utility - 2/01	1	Y	Lines 1 - 20	(e)	Sol Stamm

EXHIBIT D

**REVISED
AFFIDAVITS**

MAY 2003

EXHIBIT D

**BEFORE THE FLORIDA
PUBLIC SERVICE COMMISSION**

In the matter of Florida Power &)
Light Company's First Request for) Docket No.: _____
Extension of Confidential Classification)
By Order No. PSC-01-2334-CFO-EI) Filed _____
In Docket No. 011362-EI)

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 as Controller. I have personal knowledge of the matters stated in this affidavit.

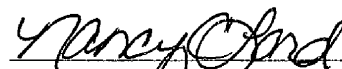
2. I have reviewed Exhibits A, B, C and D of FPL's Request for Confidential Classification of Materials Provided in the Fuel Cost Recovery Clause Pursuant to Audit No. 01-173-4-1 filed on October 15, 2001 ("FPL's Request for Confidential Classification"). With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant and which are included in Exhibit A to FPL's Request for 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. This information, if made public, would afford FiberNet's competitors an unfair advantage over FibertNet and would impair FiberNet's efforts to enter into contracts on commercially favorable terms. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials. The documents or materials continue to be proprietary confidential business information and should be accorded confidential classification by the Commission for an additional eighteen months.

3. Affiant says nothing further.



Sol Stamm

SWORN TO AND SUBSCRIBED before me this 16TH day of May, 2003, by Sol Stamm, who is personally known to me ~~or who has produced~~ _____ (type of identification) as identification.



Notary Public, State of Florida
NANCY C. LORD

Print Name of Notary

My Commission Expires:


 Nancy C. Lord
Commission #DD147069
Expires: Sep 03, 2006
Bonded Thru
Atlantic Bonding Co., Inc.

EXHIBIT D

**BEFORE THE FLORIDA
PUBLIC SERVICE COMMISSION**

In the matter of Florida Power &)
Light Company's First Request for)
Extension of Confidential Classification)
By Order No. PSC-01-2334-CFO-EI)
In Docket No. 011362-EI)

Docket No.: _____

Filed _____

STATE OF FLORIDA)
)
MIAMI-DADE COUNTY)

AFFIDAVIT OF RICK DEL CUETO

BEFORE ME, the undersigned authority, personally appeared Rick Del Cueto, who, being first duly sworn, deposes and says:

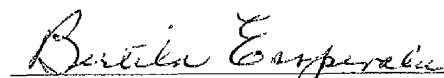
1. My name is Rick Del Cueto. I am currently employed by Florida Power & Light Company (FPL) as Manager, Internal Auditing. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibits A, B, C and D of FPL's Request for Confidential Classification of Materials Provided in the Fuel Cost Recovery Clause Pursuant to Audit No. 01-173-4-1 filed on October 15, 2001 ("FPL's Request for Confidential Classification"). 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 Request for 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. The documents or materials continue to be proprietary confidential business information and should be accorded confidential classification by the Commission for an additional eighteen months.

3. Affiant says nothing further.


Rick Del Cueto

SWORN TO AND SUBSCRIBED before me this 13 day of May, 2003, by Rick Del Cueto, who is personally known to me or who has produced _____ (type of identification) as identification.


Notary Public, State of Florida
BERTILA Estopinales
Print Name of Notary

My Commission Expires:

