



ORIGINAL

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July 9, 2003

VIA HAND DELIVERY

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
Betty Easley Conference Center
2540 Shumard Oak Boulevard
Room 110
Tallahassee, FL 32399-0850

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JUL -9 PM 4:21
COMMISSION
CLERK

030598-ET

**Re: Florida Power & Light Company's Request for Confidential
Classification of Certain Materials Submitted Pursuant to FAC 25-6.018**

Dear Ms. Bayó:

I enclose and hand you herewith for filing in the above-referenced matter, the original and seven (7) copies of Florida Power & Light Company's ("FPL") Request for Confidential Classification. The original includes Exhibits A, B, C and D. The six 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 an affidavit in support of FPL's Request for Confidential Classification. Also included herewith is a computer diskette containing FPL's Request for Confidential Classification and Exhibit C in WordPerfect.

In accordance with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information in Exhibit A pending disposition of FPL's Request for Confidential Classification. Please do not hesitate to contact me should you or your Staff have any questions regarding this filing.

Sincerely,

R. Wade Litchfield

AUS _____
CAF _____
CMP _____
COM _____
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC _____
DTH _____
RWL/ec
Enclosures
1-conf. records

RECEIVED & FILED

16

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER DATE

06090 JUL-98

FPSC-COMMISSION CLERK

ORIGINAL

BEFORE THE

FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of Florida Power & Light Company's Request for Confidential Classification in Connection With Its Report Under Rule 25-6.018, F.A.C.)

Docket No. 030598-EI

FILED: July 9, 2003

REQUEST FOR CONFIDENTIAL CLASSIFICATION OF CERTAIN MATERIALS SUBMITTED PURSUANT TO FAC 25-6.018

NOW, BEFORE THIS COMMISSION, through undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to section 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") in connection with its report filed pursuant to Section 25-6.018 of the Florida Administrative Code. In support of its Request, FPL states as follows:

- 1. Petitioner's principal business address is as follows:

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
Vice President
Florida Power & Light Company
215 South Monroe Street, Ste. 810
Tallahassee, FL 32301-1859
Telephone: (850) 521-3910
Telecopier: (850) 521-3939

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

2. In accordance with Section 25-6.018 of the Florida Administrative Code, FPL is filing this date under separate cover its report on interruptions and curtailments pursuant to FPL's interruption and curtailment rate schedules (the "Report"). FPL considers certain information within the Report to be proprietary confidential business information within the meaning of section 366.093, Florida Statutes. FPL hereby requests confidential classification of such information.

3. The following exhibits are included herewith and made a part hereof:

a. 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. Exhibit A is submitted separately in a sealed folder or carton marked "CONFIDENTIAL."

b. Exhibit B is an edited version of Exhibit A. All information that FPL asserts is entitled to confidential treatment has been blocked out in 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 is the affidavit of Dennis Brandt.

4. FPL seeks confidential protection for the information highlighted in Exhibit A. 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 (d) through (e) 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 affidavit of Dennis Brandt, included herewith as Exhibit D.

5. FPL submits that the information highlighted in Exhibit A is proprietary confidential business information within the meaning of section 366.093(3). As Mr. Brandt's affidavit indicates, the highlighted information consists of customer-specific information for non-governmental customers. In particular, FPL has withheld the names of customers on the lists of information provided as attachments to the Report in order to avoid disclosing specific rate and contract information associated with those customer accounts. FPL considers such information to be confidential proprietary business information of the customer and does not disclose such information to third parties unless required by law or unless the customer consents to the disclosure.

6. FPL's customers themselves consider the information to be confidential. As reflected in Mr. Brandt's affidavit, and referring to the customer letters included as Exhibit E, customers have indicated to FPL that the information in question relates to their competitive interests, the disclosure of which could cause them competitive harm. As Mr. Brandt states, although the potential harm from disclosure may vary from customer to customer, FPL has adopted a uniform policy of not disclosing customer-specific rate and contract information unless required by law or upon consent of the customer. Customer confidence in the integrity of this policy is important from the standpoint of both the customer and FPL. As noted, customers consistently have indicated that they consider their rate and contract information to be confidential and commercially sensitive data that, if disclosed, would afford competitors an unfair advantage. Further, if customers lose faith in FPL's ability to preserve the confidentiality of customer-specific information, they may be more selective in the types of information they allow FPL to compile and retain. This may include electing not to participate in certain

voluntary utility-sponsored programs such as research projects, customer focus groups, or experimental or special rate offerings. Such a result would impair FPL's ability to conduct its business and improve and expand its service to customers.

7. The Commission in the past has found customer-specific information to be proprietary confidential business information.¹

8. 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.

9. Upon a finding by the Commission that the material in Exhibit A for which FPL seeks confidential treatment is "proprietary confidential business information," pursuant to section 366.093(4) such materials should not be declassified for a period of at least eighteen (18) months and should be returned to FPL as soon as the information is no longer necessary for 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.

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,



R. WADE LITCHFIELD

Florida Authorized House Counsel

Attorney for Florida Power & Light Company

700 Universe Boulevard

Juno Beach, FL 33408-0420

Telephone: (561) 691-7101

Telecopier: (561) 691-7135

EXHIBIT A - CONFIDENTIAL

(SUBMITTED SEPARATELY)

EXHIBIT B

REDACTED DOCUMENTS

CONFIDENTIAL

	Name
1	[REDACTED]
2	COLLIER CNTY SHERIFF DEPT
3	[REDACTED]
4	[REDACTED]
5	MIAMI-DADE CO DDFM MEDICAL EXAMINER 11
6	[REDACTED]
7	[REDACTED]
8	[REDACTED]
9	[REDACTED]
10	[REDACTED]
11	[REDACTED]
12	CITY DAYTONA BEACH
13	CITY OF PUNTA GRDA
14	[REDACTED]
15	CITY PORT ORANGE
16	CITY PORT ORANGE
17	[REDACTED]
18	[REDACTED]
19	[REDACTED]
20	CITY OF MELBOURNE #DB LEE
21	CITY OF MELBOURNE
22	CITY OF MELBOURNE
23	SEMINOLE COMMUNITY COLLEGE
24	[REDACTED]
25	[REDACTED]
26	[REDACTED]
27	MANATEE CO SCH BD HARLLEE SCH #0591-2
28	MANATEE CO SCH BD SUGG MID #0581
29	[REDACTED]
30	[REDACTED]
31	[REDACTED]
32	CITY OF SARASOTA
33	CITY OF FT LAUD PLANT D
34	[REDACTED]
35	[REDACTED]
36	MIAMI-DADE WASAD # 0559
37	[REDACTED]
38	[REDACTED]
39	MIAMI-DADE WASAD # 0536
40	[REDACTED]
41	[REDACTED]
42	MIAMI-DADE WASAD
43	[REDACTED]
44	[REDACTED]
45	[REDACTED]
46	[REDACTED]
47	MIAMI-DADE WASAD # 3103
48	[REDACTED]
49	U S GOVT DEPT OF GSA ACCT#91536785
50	CITY OF N MIAMI 420646 PW
51	[REDACTED]
52	CITY OF PUNTA GRDA
53	VILLAGE OF TEQUESTA
54	[REDACTED]
55	[REDACTED]
56	[REDACTED]
57	FAA, ASO-22A
58	MELBORNE AIRPORT AUTHORITY
59	CITY OF MARGATE
60	[REDACTED]
61	[REDACTED]
62	[REDACTED]
63	MIAMI DADE CO FIRE HEADQUARTERS

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Workpapers
Interruptions of Curtailable (CS) Customers' Load

Workpaper No.	Description	No. of Pages	Conf Y/N	Line No/Col No.	Florida Statute 366.093(3) Subsection	Affiant
1	List of Curtailable Customers	1	Y	1,3-4,6-11,14,17-19,24-26,29-31,34-35,37-38,40-41,43-46,48,51,54-56,60-62	(d),(e)	D. Brandt

EXHIBIT D

**AFFIDAVIT
OF DENNIS BRANDT**

EXHIBIT D

**BEFORE THE FLORIDA
PUBLIC SERVICE COMMISSION**

In the Matter of Florida Power & Light) Docket No. _____
Company's Request for Confidential)
Classification in Connection With Its) FILED: July 9, 2003
Report Under Rule 25-6.018, F.A.C.)

STATE OF FLORIDA)
)
MIAMI-DADE COUNTY) **AFFIDAVIT OF DENNIS BRANDT**

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

1. My name is Dennis Brandt. I am currently employed by Florida Power & Light Company ("FPL") as Director of Products and Services. 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 which are included in Exhibit A to FPL's Request for Confidential Classification. Such documents or materials that I have reviewed and which, in whole or in part, are asserted by FPL to be proprietary confidential business information, contain or constitute customer-specific account information with respect to non-governmental customers. Indeed, FPL has a corporate policy not to disclose customer specific information. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh and bills. FPL treats such information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer without the permission of the customer.

3. FPL's policy is premised upon customers' right to privacy and the potential that the disclosure of customer specific information may harm some customers' competitive interests or disclose their trade secrets. FPL's customers have affirmed to FPL their interest in having this information maintained confidential. For many of these customers, electric usage is an important part of their production or operating costs. Thus, the disclosure of rate or contract information, as well as consumption levels or patterns, could provide competitors with commercially sensitive information that would afford such competitors an unfair advantage. For others, non-disclosure of the information is simply a matter of privacy. While it may be that the disclosure of such information may be more sensitive for some customers than for others, FPL has not sought to make a case-by-case determination as to the level of sensitivity or potential harm with respect to disclosing a particular customer's information; rather, in deference to its customers, as a matter of policy, and in

the interest of customer privacy, FPL has not disclosed to third parties specific rate and contract information for non-governmental customers unless required by law or unless the customer consents to such disclosure. This policy is important from both a practical and theoretical standpoint. Customers want the assurance that their information is protected to the same extent as any other customer's. Also, practically speaking, it would be a difficult and perhaps impossible task to make a case-by-case determination as to what level of protection each customer's data may merit.

4. The information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than eighteen months. In addition, these materials should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

5. Affiant says nothing further.

Dennis Brandt
Dennis Brandt

Before me, the undersigned authority personally appeared, on this day the 7 day of July, 2003, Dennis Brandt, who is personally known to me.

Bertila Estopinales
Notary Public, State of Florida

BERTILA ESTOPINALES
Print Name of Notary

My Commission Expires:

