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John T. Butler  
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July 14, 2003

-VIA HAND DELIVERY -

Blanca S. Bayó  
Director, Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

RECEIVED-FPSC  
JUL 14 PM 3:25  
COMMISSION  
CLERK

Re: Docket No. 030001-EI

Dear Ms. Bayó:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's Request for Confidential Classification of Materials Provided Pursuant to Audit No. 02-340-4-1, together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows 2000, and the word processing software in which the documents appear is Word 2000. Pursuant to Rule 25-22.006, F.A.C., I am also enclosing one highlighted and two redacted copies of the confidential documents that are the subject of this request.

If there are any questions regarding this transmittal, please contact me at 305-577-2939

Sincerely,

*John T. Butler*  
John T. Butler, per JT.B

Enclosure  
cc: Counsel for Parties of Record (w/encl.)

RECEIVED & FILED

15

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER DATE  
06179 JUL 14 03  
FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power ) DOCKET NO. 030001-EI  
Cost Recovery Clause with Generating )  
Performance Incentive Factor ) FILED: July 14, 2003

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF  
MATERIALS PROVIDED PURSUANT TO AUDIT NO. 02-340-4-1**

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. 02-340-4-1 (hereinafter the "Audit") in Docket 020001-EI, the predecessor to this docket. 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) 521-3910

John T. Butler  
Steel Hector & Davis LLP  
Suite 4000  
200 South Biscayne Boulevard  
Miami, Florida 33131-2398  
(305) 577-2939  
(305) 358-7336 Facsimile

DOCUMENT NUMBER DATE

06179 JUL 14 8

FPSC-COMMISSION CLERK

2. During the Audit, Staff requested access to various FPL reports and other documents. By letter dated June 23, 2003, Staff indicated its intent to retain certain workpapers for which confidential treatment previously had been requested (the "Workpapers"). Pursuant to Rule 25-22.006(3)(a), FPL was given twenty-one days from the date of that letter, or until July 14, 2003, within which to file a formal Request for Confidential Classification with respect to the Workpapers. FPL hereby makes such request.

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

a. Composite Exhibit A consists of copies of the Workpapers, on which all information 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 an edited version of the Workpapers on which all information FPL asserts is entitled to confidential treatment has been redacted.

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.

d. Exhibit D comprises the affidavits of John Hartzog and Gerard J. Yupp.

4. FPL seeks confidential protection for the information highlighted in Exhibit A. 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. The information for which FPL seeks confidential classification, described in Exhibits C and D, includes internal audit reports, which are protected against disclosure by Section 366.093(3)(b). The confidential information also includes information on security measures, systems and procedures, which is protected against disclosure by Section 366.093(3)(c). The confidential information also includes contractual data, the disclosure of which would impair FPL's efforts to contract for goods and services on favorable terms and/or would impair the competitive interests of the providers of the goods and services. This confidential information is protected against disclosure by Section 366.093(3)(d). Finally, the confidential information includes information relating to competitive interests, the disclosure of which would impair the competitive interests of the provider of the information. This confidential information is protected against disclosure by Section 366.093(3)(e). Further support for FPL's request is provided in the affidavits included as Exhibit D.

6. The information highlighted in Exhibit A, and referenced in Exhibit C, is proprietary confidential business information within the meaning of section 366.093(3). Upon a finding by the Commission that such information is proprietary confidential business information, the information 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 Commission to conduct its business. *See* §366.093(4), Fla. Stat.

7. FPL is particularly concerned about the potential for inadvertent disclosure of the documents referenced in Workpaper Nos. 9, 10-16, 10-23, 43, 43-1/3, 43-1/6, 43-1/6-3, 43-1/6-5, 43-1/6-5/1, 43-1/6-5/1-1, 43-1/8-1, 43-1/8-1/1, 43-1/8-1/1-1, 43-2/1-3/3 and 45-2/2, 45-2/2-1, 45-2/2-2, 45-2/2-3, 45-2/2-4, 45-2/2-5/1, 45,2/2-5/3, 45-2/2-5/4, 45-2/4, 45-2/4-1 on Exhibit C. These documents contain extremely sensitive power plant security information, and compensation and other records that shed light on individual employees' personnel information. FPL is unable to identify confidently any subset of the information on these documents that could be designated as non-confidential without potentially either affecting plant security or unfairly making individual employees' personnel information a matter of public record. Accordingly, FPL has highlighted all of the information on the documents referenced in Workpaper Nos. 9, 10-16, 10-23, 43, 43-1/3, 43-1/6, 43-1/6-3, 43-1/6-5, 43-1/6-5/1, 43-1/6-5/1-1, 43-1/8-1, 43-1/8-1/1, 43-1/8-1/1-1, 43-2/1-3/3 and 45-2/2, 45-2/2-1, 45-2/2-2, 45-2/2-3, 45-2/2-4, 45-2/2-5/1, 45,2/2-5/3, 45-2/2-5/4, 45-2/4, 45-2/4-1, and asks that those documents be designated in their entirety as proprietary confidential business information. Because of their extreme sensitivity, FPL also asks that those documents be returned to FPL as soon as Staff determines that retention of the documents is not essential to Commission business, even if Staff still needs to retain other confidential information.

**WHEREFORE**, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavit included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

STEEL HECTOR & DAVIS LLP

Attorneys for Florida Power & Light Company  
200 South Biscayne Boulevard  
Suite 4000  
Miami, Florida 33131-2398  
Telephone: 305-577-7000

By: *Kevin M. Davis per JTB*  
John T. Butler  
Fla. Bar No. 283479

**CERTIFICATE OF SERVICE**

**I, THE UNDERSIGNED COUNSEL, HEREBY CERTIFY** that a copy of Florida Power & Light Company's Request for Confidential Classification without exhibits\*, has been served via first class mail or hand delivery (\*\*), postage prepaid to the parties listed below, this 14<sup>th</sup> day of July 2003:

Wm. Cochran Keating, IV, Esq. \*\*  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Lee L. Willis, Esq.  
James D. Beasley, Esq.  
Ausley & McMullen  
Attorneys for TECO  
P.O. Box 391  
Tallahassee, Florida 32302

Robert Vandiver, Esq.  
Jack Shreve, Esq.  
Office of Public Counsel  
111 West Madison Street  
Room 812  
Tallahassee, Florida 32399

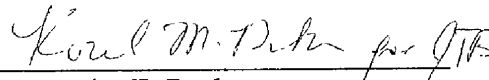
James A. McGee, Esq.  
Florida Power Corporation  
P.O. Box 14042  
St. Petersburg, Florida 33733

Norman H. Horton, Esq.  
Floyd R. Self, Esq.  
Messer, Caparello & Self  
Attorneys for FPUC  
215 South Monroe Street, Suite 701  
Tallahassee, Florida 32302-0551

Joseph A. McGlothlin, Esq.  
Vicki Gordon Kaufman, Esq.  
McWhirter, Reeves, McGlothlin,  
Davidson, et al.  
Attorneys for FIPUG  
117 South Gadsden Street  
Tallahassee, Florida 32301

John W. McWhirter, Jr., Esq.  
McWhirter, Reeves, McGlothlin,  
Davidson, et al.  
Attorneys for FIPUG  
P. O. Box 3350  
Tampa, Florida 33602

Jeffrey A. Stone, Esq.  
Russell A. Badders, Esq.  
Beggs & Lane  
Attorneys for Gulf Power  
P.O. Box 12950  
Pensacola, Florida 32591-2950

  
\_\_\_\_\_  
John T. Butler

\* Exhibits (redacted documents) furnished upon request

# **EXHIBIT C**

## **JUSTIFICATION TABLE**



**EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Workpapers  
**AUDIT:** FPL, Base Year Costs of Security and Hedging Costs  
**AUDIT CONTROL NO:** 02-340-4-1

<u>WKPAPER NO.</u>	<u>DESCRIPTION</u>	<u>NO. OF PAGES</u>	<u>CONF. Y/N</u>	<u>LINE NO./ COL. NO.</u>	<u>FLORIDA STATUTE 366.093(3) Subsection:</u>	<u>AFFIANT</u>
1	Audit Disclosures	8	Y Y Y Y N Y	P1, lines 8-24; P2, lines 1-15; P3, lines 3-24 P4, lines 24-26, 28 P5, Col B lines 2-8; lines 12 & 16 P6, lines 4-6, 17-18, 20 P7 P8, lines 5-11, 16, 18	(c) (e)	J. Hartzog G. J. Yupp
1-1	Statement of Facts Company Comments	4	Y Y N Y	P1, lines 3- 4, 12, 16, 28-34 P2, lines 3, 7, 11 P3 P4, lines 5-11, 13, 23	(e)	G. J. Yupp
9	Internal Audit	7	Y	All	(b), (c)	J. Hartzog
10-16	Document Record Request	1	Y	All	(c), (e)	G. J. Yupp
10-23	Document Record Request	1	Y	All	(c), (e)	G. J. Yupp
43	Summary Security	1	Y	All	(c)	J. Hartzog
43-1/3	FINS Security Report	19	Y	All	(c)	J. Hartzog
43-1/6	FINS Security Report	45	Y	All	(c), (e)	J. Hartzog
43-1/6-3	Sample Item	4	Y	All	(c), (e)	J. Hartzog
43-1/6-5	Sample Item	3	Y	All	(c), (e)	J. Hartzog

43-1/6-5/1	Sample Item	4	Y	All	(c), (e)	J. Hartzog
43-1/6-5/1-1	Sample Item	3	Y	All	(c), (e)	J. Hartzog
43-1/8-1	EAC Selected CV	33	Y	All	(c)	J. Hartzog
43-1/8-1/1	Sample Item	1	Y	All	(c)	J. Hartzog
43-1/8-1/1-1	Sample Item	4	Y	All	(c), (e)	J. Hartzog
43-2/1-3/3	Interrogatories	1	Y	All	(c), (e)	J. Hartzog
45	Hedging Summary	1	Y	P1, lines 16-17, 22-23, 29-30, 34-36	(d) (e)	G. J. Yupp
45-1/1	Actual 2001	1	Y	P1, Cols C, D, E, F, lines 6-30	(d), (e)	G. J. Yupp
45-2	YTD 2002	2	Y	P1, Cols C, D, E, F, lines 6-32 P2, Cols C, D, E, F, lines 6-32	(d), (e)	G. J. Yupp
45-2/1	Budget 3 YRS	1	Y	P1, Cols C, D, E, lines 3-31; Line 32	(d), (e)	G. J. Yupp
45-2/1-1	Budget Comparison	1	Y	P1, Col B, lines 3-12	(d), (e)	G. J. Yupp
45-2/1-2	Budget Comparison	1	Y	P1, lines 3-12; 15	(d), (e)	G. J. Yupp
45-2/1-3	Contracts 2001	1	Y	P1, Col B, lines 3-39; 41-46 Col C, lines 3-39, 41-50 Col E, lines 3-13, 41-43; Col F, lines 3-13, 41-43, 47-50	(d), (e)	G. J. Yupp
45-2/1-4	Contracts 2002	2	Y	P1, Col B, lines 3-27, Col C, lines 3-31, Col D, lines 21, 27, Col E, lines 3-11, 23 Col F, lines 3-11, 20, 23, 28-31 P2, Col B, lines 3-27, Col C, lines 3-31, 35, 36 Col E, lines 3-11, 23, 35-37 Col F, lines 3-11, 23, 28-33, 35-37 Col H, lines 4-6, 8	(d), (e)	G. J. Yupp
45-2/1-4/1	Actuals for 02	1	Y	P1, Col A, lines 5, 10, 17, 22, 27, 29, 31, Col B, lines 5, 10, 17, 22, 27,	(d), (e)	G. J. Yupp

				31, 36, Col C, lines 5, 10-11, 22, 27		
45-2/1-5	Contracts 2003	1	Y	P1, Col B, lines 3-12, Col C, lines 3-16, Col E, lines 3-5,11, Col F, lines 3-5, 9, 11, 13-16	(d), (e)	G. J. Yupp
45-2/2	Employee List	2	Y	All	(d), (e)	G. J. Yupp
45-2/2-1	Duties	37	Y	All	(d), (e)	G. J. Yupp
45-2/2-2	Salary Bands	4	Y	All	(d), (e)	G. J. Yupp
45-2/2-3	Incentives	1	Y	All	(d), (e)	G. J. Yupp
45-2/2-4	Incentives	1	Y	All	(d), (e)	G. J. Yupp
45-2/2-5	Incentives	1	N			
45-2/2-5/1	Incentives	1-2 3	N Y	All	(d), (e)	G. J. Yupp
45-2/2-5/2	Incentives	2	N			
45-2/2-5/3	Incentives	1-2 3	N Y	All	(d), (e)	G. J. Yupp
45-2/2-5/4	Incentives	1-2 3-4	N Y	All	(d), (e)	G. J. Yupp
45-2/3	2003 YTD	1	Y	P1, Cols C, D, E & F, lines 6- 37	(d), (e)	G. J. Yupp
45-2/3-1	2003 YTD	1	Y	P1, Cols B & C, lines 6-10	(d), (e)	G. J. Yupp
45-2/3-2	Actual vs. Budget 03	1	Y	P1, Cols B, C, D & E lines 7-11	(d), (e)	G. J. Yupp
45-2/4	Actual Payroll 02	1	Y	All	(d), (e)	G. J. Yupp
45-2/4-1	Budget by Salary Bands 02	1	Y	All	(d), (e)	G. J. Yupp
45-2/5	Organization 01	1	N			

45-2/5-1	Organization 02	5	N			
45-2/5-2	Organization 03	6	N			
45-2/6	Long Term Incentive	1	Y	P1, lines, 1, 3-6; Col B, lines 11-12, Col C, lines 8-12, Col D, lines 11-12, 15, Col E, lines 8-11, 13-14	(d), (e)	G. J. Yupp
45-2/6-1	Long Term Incentives	3	Y	P1, Col A, lines 1-6, Col B, line 7 P2, Cols A - F, lines 1-5, Col A, lines 6-8, 12-13, 15-17, 20-21, 23, Col B, lines 9-12, 14-15, 18-20, 22-23, Lines 24 – 25 P3, Cols B & C, lines 4-42 Col D, lines 16-18	(d), (e)	G. J. Yupp
45-2/6-2	Long Term Incentive	3	Y	P1, Col A, lines 1-19, Col B, lines 5, 8, 12 P2, Col A, lines 1-27 P3, Col A, lines 1-5	(d), (e)	G. J. Yupp
45-2/6-3	Salaries and Wages	1	Y	P1, Col B, lines 2-5, Col C, lines 1, 6-7, Col D, line 3	(d), (e)	G. J. Yupp
45-2/7	Employee Related Exp.	1	Y	P 1, Cols C, D & E, lines 1-18, Col F, line 19	(d), (e)	G. J. Yupp
45-3	Dec. 03	1	Y	P1, Col C, lines 1-24	(d), (e)	G. J. Yupp
45-4/1	Interrogatories	2	Y	P1, lines 10-11 P2, lines 1-2, 14-15, 27-28	(d), (e)	G. J. Yupp
45-4/2	Interrogatories	1	Y	P1, line 11	(d), (e)	G. J. Yupp
45-5	Interrogatories	2	Y	P1, lines 2-4, 6-12 P2, Cols F, H – M, lines 3 - 47	(d), (e)	G. J. Yupp
45-6 p. 2	Interrogatories	1	Y	P1, Cols G, I – N, lines 3, 6, 9, 12 - 17	(d), (e)	G. J. Yupp
45-9	Hedging Actuals	1	Y	P1, lines 3 - 5, 11, 12,15, 16, 19	(d), (e)	G. J. Yupp
45-10	FINS	4	Y	P1, Col A, lines 1 - 27 P2, Col A, lines 1-17,	(d), (e)	G. J. Yupp

				Col A, lines 18-20, Col B, lines 19, 21-22 P3, Col A, lines 1 -21 P4, Col A, line 1		
45-10/1	Contract	3	Y	P1, lines 18 - 21, 23 - 26 P2, lines 5-7, 11-22, 25-26 P3, Cols A & B, lines 1-4	(d), (e)	G. J. Yupp
45-10/2	Contract	3	Y	All	(d), (e)	G. J. Yupp
45-10/2-1	Contract	3	Y	All	(d), (e)	G. J. Yupp

# **EXHIBIT D**

# **AFFIDAVITS**

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Audit Base Year Costs for Security and Hedging Costs to be Allowed in Fuel Cost Recovery ) Docket No. 020001-EI  
)  
)  
) Filed July 14, 2003

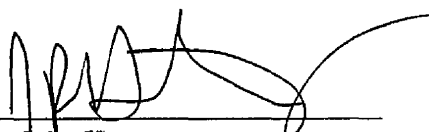
STATE OF FLORIDA )  
) AFFIDAVIT OF JOHN HARTZOG  
PALM BEACH COUNTY )

**BEFORE ME**, the undersigned authority, personally appeared John Hartzog, who, being first duly sworn, deposes and says:

1. My name is John Hartzog. I am currently employed by Florida Power & Light Company (FPL) as Manager of Nuclear Financial and Information Services. I have personal knowledge of the matters stated in this affidavit.

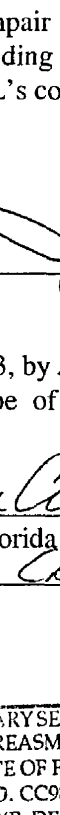
2. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant and which are included in Exhibit A to FPL's Request for Confidential Classification of materials provided pursuant to Audit No. 02-340-4-1. Documents and materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute information relating to FPL's security measures systems and procedures. In addition, certain of those documents and materials (1) relate to FPL's competitive interests, the disclosure of which may impair FPL's competitive business and/or (2) constitute vendor-specific or customer-specific information including contract prices and other contract-related information, disclosure of which information may impair FPL's competitive business interests and ability to contract in favorable terms.

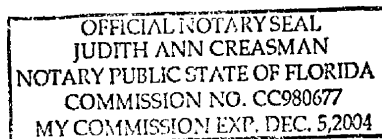
3. Affiant says nothing further.

  
\_\_\_\_\_  
John Hartzog

**SWORN TO AND SUBSCRIBED** before me this 10th day of July, 2003, by John Hartzog, who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

My Commission Expires:

  
\_\_\_\_\_  
Notary Public, State of Florida  
JUDITH ANN CREASMAN  
Print Name of Notary



**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Audit Base Year Costs for Security and Hedging Costs to be Allowed in Fuel Cost Recovery ) Docket No. 020001-EI  
)  
)  
) Filed July 14, 2003

STATE OF FLORIDA )  
) AFFIDAVIT OF GERARD J. YUPP  
PALM BEACH COUNTY )

**BEFORE ME**, the undersigned authority, personally appeared Gerard J. Yupp, who, being first duly sworn, deposes and says:

1. My name is Gerard J. Yupp. I am currently employed by Florida Power & Light Company (FPL), Energy Marketing and Trading (EMT) Division, as Manager of Regulated Wholesale Power Trading. 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 and which are included in Exhibit A to FPL's Request for Confidential Classification of Materials Provided Pursuant to Audit No. 02-340-4-1. Documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute FPL budgeting and compensation information, the disclosure of which may impair FPL's competitive interests and/or its ability to contract on favorable terms.

3. Consistent with the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they 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 maintain the confidentiality of these documents.

4. Affiant says nothing further.

Gerard J. Yupp  
Gerard J. Yupp

**SWORN TO AND SUBSCRIBED** before me this 10<sup>th</sup> day July, 2003, by Gerard J. Yupp, who is personally known to me or who has produced personally known (type of identification) as identification.

Marie B. Lopez  
Notary Public, State of Florida  
Marie B. Lopez  
Print Name of Notary

My Commission Expires: 7/17/04

