

RUTLEDGE, ECENIA, PURNELL & HOFFMAN ORIGINAL

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A. ECENIA
RICHARD M. ELLIS
KENNETH A. HOFFMAN
THOMAS W. KONRAD
MICHAEL G. MAIDA
MARTIN P. McDONNELL
J. STEPHEN MENTON

POST OFFICE BOX 551, 32302-0551
215 SOUTH MONROE STREET, SUITE 420
TALLAHASSEE, FLORIDA 32301-1841

TELEPHONE (850) 681-6788
TELECOPIER (850) 681-6515

R. DAVID PRESCOTT
HAROLD F. X. PURNELL
MARSHA E. RULE
GARY R. RUTLEDGE
GOVERNMENTAL CONSULTANTS
MARGARET A. MENDUNI
M. LANE STEPHENS

August 18, 2003

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

VIA HAND DELIVERY

RECEIVED - FPSC
AUG 18 PM 4:11
COMMISSION
CLERK

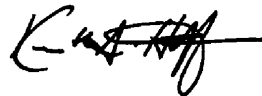
Re: Docket No. 030623-EI

Dear Ms. Bayo:

Enclosed herewith for filing on behalf of Florida Power & Light Company ("FPL") are an original and fifteen copies of FPL's Notice of Intent to Seek Confidential Classification.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me. Thank you for your assistance with this filing.

Sincerely,



Kenneth A. Hoffman

AUS _____
CAF _____
CMP _____
COM _____
CTR _____
ECR
GCL
OPC _____
MMS _____
SEC Enclosures
OTH cc: F:\USERS\ROXANNE\FPL\Bayoaug182.ltr
copy records

RECEIVED & FILED

R.V.N.

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER - DATE

07615 AUG 18 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Complaints by Southeastern Utility Services,
Inc. on behalf of various customers, against)
Florida Power & Light Company concerning)
thermal demand meter error)
_____)

Docket No. 030623-EI

Filed: August 18, 2003

**FLORIDA POWER & LIGHT COMPANY'S
NOTICE OF INTENT TO SEEK
CONFIDENTIAL CLASSIFICATION**

Pursuant to Section 366.093, Florida Statutes and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby files this Notice of Intent to Seek Confidential Classification of certain documents and information responsive to Staff's Data Requests dated July 29, 2003 ("Staff's Requests"), and states:

Staff's Request No. 3 seeks discovery of documents and information that FPL and Southeastern Utility Services, Inc. ("SUSI") have agreed to treat as confidential pursuant to a certain Agreement Regarding Confidentiality of Settlement Communications entered into by and between FPL and SUSI and, therefore, are "proprietary confidential business information" as defined by Section 366.093(3), Florida Statutes. A copy of Staff's Requests is attached. Accordingly, FPL hereby gives notice of its intent to seek confidential classification with respect to such confidential responses and documents pursuant to Rule 25-22.006(3)(a), Florida Administrative Code.

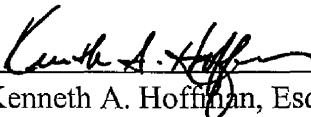
Contemporaneously herewith, FPL is submitting its Responses to Staff's Requests. The confidential portions of the documents have been redacted. Copies of the confidential documents are also filed herewith in an envelope marked "CONFIDENTIAL."

DOCUMENT NUMBER-DATE

07615 AUG 18 03

FPSC-COMMISSION CLERK

Respectfully submitted this 18th day of August, 2003.



Kenneth A. Hoffman, Esq.
Rutledge, Ecenia, Purnell & Hoffman, P.A.
P. O. Box 551
Tallahassee, Florida 32302
Telephone: 850-681-6788

- - and - -

R. Wade Litchfield, Esq.
Law Department
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: 561-691-7101

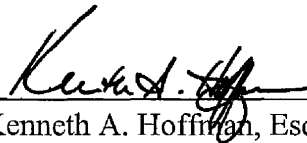
Attorneys for Florida Power & Light Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by United States Mail to the following this 18th day of August, 2003:

Daniel Joy, Esq.
785 Southtrust Bank Plaza
1800 Second Street
Sarasota, FL 34236

Cochran Keating, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Room 370
Tallahassee, Florida 32399-0850



Kenneth A. Hoffman, Esq.

State of Florida



Public Service Commission
-M-E-M-O-R-A-N-D-U-M-

DATE: July 29, 2003
TO: Bill Feaster, Florida Power & Light Company
Ken Hoffman, Rutledge Ecenia Purnell & Hoffman, P.A.
George Brown, Southeastern Utility Services, Inc.
Charlie Beck, Office of Public Counsel
FROM: Cochran Keating - Economic Regulation Section - Office of the General Counsel *WCK*
RE: Docket No. 030623-EI - Complaints by Southeastern Utility Services, Inc., on behalf of
Various Customers, against Florida Power & Light Company concerning Thermal
Demand Meter Error

VIA ELECTRONIC MAIL

Please find attached a request for additional data concerning the complaints in the above-referenced docket. For the purpose of discussing this data request and providing any necessary clarification, Commission Staff will schedule a conference call to take place within the next week. The time, date, and telephone number for the call will be provided as soon as possible.

If you have any questions, please call me at (850) 413-6193.

WCK/jb

cc: Division of Economic Regulation
Division of Auditing and Safety
Division of the Commission Clerk and Administrative Services (Docket File)

1\030623m2.wpd

DOCUMENT NUMBER DATE

06854 JUL 29 8

FPSC-COMMISSION CLERK

COMMISSION STAFF DATA REQUEST
DOCKET NO. 030623-EI
JULY 29, 2003

1. Please provide all data or analyses, from the meter manufacturer(s) or other sources, that would support the conclusion that the only way thermal demand meters in question may over-register (i.e., read too high) is if the meter was improperly calibrated at initial installation. Alternatively, provide all data or analyses to support the conclusion that such meters may gradually or suddenly read too high over time, even if properly calibrated at the time the meter was set. Include any engineering analyses, articles from journals, trade publications, or expert testimony, including documented experience of other utilities.
2. For Southeastern Utility Services, Inc. (SUSI), please provide the detailed calculations used by SUSI to determine the refund that it thinks is appropriate for each meter for which it seeks a refund under a pending complaint before the Florida Public Service Commission (Commission). Include details of how load factor is used in these calculations.
3. For Florida Power & Light Company (FPL), please provide detailed calculations used by FPL to determine the refund that it thinks is appropriate for each meter for which a refund is sought by SUSI under a pending complaint before the Commission. If billing history was used in any of the calculations, please show how such records were used. If formula was used to estimate months where no billing data was available with the new meter, please explain the method and all assumptions used.
4. For FPL, please identify and describe every known situation in which FPL determined that a refund for a period greater than 12 months was appropriate, regardless of whether the situation relates to a pending SUSI complaint. What specific characteristics or events justified departure from the 12 month limit in Rule 25-6.103(1), Florida Administrative Code?
5. For FPL, please provide the detailed calculations that FPL would use to determine the appropriate refund for each meter for which a refund is sought by SUSI under a pending complaint before the Commission, based on strict application of Commission rules. Please identify all assumptions.