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ORIGINAL

(305) 552-4657

October 22, 2003

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COMMISSION  
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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

**Re: Florida Power & Light Company's  
Second Request For Extension Of Confidential Classification Granted  
by Order No. PSC-00-1569-CFO-EG of Certain Material Obtained  
During the Energy Conservation Cost Recovery Audit**

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") Second Request for Extension of Confidential Classification Granted by FPSC Order No. PSC-00-1569-CFO-EG.

Exhibit D contains the Affidavit Ken Getchell in support of FPL's Second Request for Extension of Confidential Classification. Also included is a computer diskette containing the electronic version of FPL's Second Request for Extension in Word 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-00-1569-CFO-EG pending disposition of FPL's Second Request for Extension of Confidential Classification.

- AUS \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
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*[Signature]*  
FPSC-BUREAU OF RECORDS

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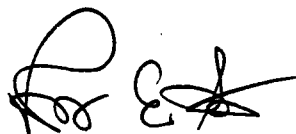
Ms. Blanca S. Bayó, Director  
Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
October 22, 2003  
Page 2

Finally, enclosed is an additional copy of FPL's Second 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 "R. Stone". The signature is stylized with a large initial "R" and a long horizontal stroke at the end.

Robert E. Stone  
Attorney

RES/sm

Enclosures

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In the matter of Florida Power & Light Company's Second Request for Extension of Confidential Classification by Order No. PSC-00-1569-CFO-EG  
In Docket No. 000002-EG )  
DOCKET NO. )  
FILED: )

**SECOND REQUEST FOR EXTENSION OF  
CONFIDENTIAL CLASSIFICATION GRANTED  
BY ORDER NO. PSC-00-1569-CFO-EG  
OF CERTAIN MATERIAL OBTAINED DURING  
THE ENERGY CONSERVATION COST RECOVERY AUDIT**

**NOW, BEFORE THE 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 submits its Second Request for Extension of Confidential Classification Granted initially by Order No. PSC-00-1569-CFO-EG of the Florida Public Service Commission ("FPSC" or "Commission") issued in Docket No. 000002-EG in the Energy Conservation Cost Recovery Audit (Audit Control No. 00-047-4-1) (the "Audit") and extended by Order No. PSC-02-0605-CFO-EG issued in Docket No. 020002-EG. 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) 521-3900

Robert E. Stone  
Florida Power & Light Company  
Attorney  
P.O. Box 029100 - LAW/GO  
Miami, Florida 33102-9100  
(305) 552-4657  
(305) 552-4153 (Facsimile)

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FPSC-COMMISSION CLERK

2. On August 7, 2000, 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 E. FPL adopts and incorporates by reference its August 7, 2000 request, including Exhibits A, B, C (the "Justification Table") and E.

3. By Order No. PSC-00-1569-CFO-EG dated August 31, 2000, the Commission granted FPL's request.

4. On February 27, 2002, FPL filed its First Request for Extension (the "First Extension Request"). FPL adopts and incorporates by reference the First Extension Request.

5. By Order No. PSC-02-0605-CFO-EG dated May 2, 2002, the Commission granted the First Extension Request.

6. The period of confidential treatment granted by the Commission will soon expire. The information that was the subject of FPL's August 7, 2000 Request and the First Extension on Request warrants continued treatment as proprietary and confidential business information with the meaning of Section 366.093. Accordingly, FPL hereby submits its Second Request for Extension of Confidential Classification.

7. Included herewith and made a part hereof is Exhibit D. Exhibit D consists of the Affidavit of Ken Getchell, which Affidavit shall replace the affidavit of Dennis Reynolds previously filed February 27, 2002.

8. 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.

9. 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 Second Request for Extension of Confidential Classification of the referenced material is provided through the Affidavit of Ken Getchell. The Justification Table identifies the basis for FPL's assertion of confidentiality with regard to each document or portion thereof. The materials at issue contain customer-specific information for non-governmental customers. In particular, FPL has withheld names of customers on the lists of information provided as attachments to the Report in order to avoid disclosing the specific rate and contract information associated with those customers' accounts. Nothing has changed since the issuance of Order No. PSC-00-1569-CFO-EG and Order No. PSC-02-0605-CFO-EG to render the information stale or public such that continued confidential treatment would not be appropriate.

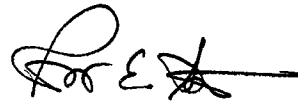
10. The material for which continued confidential classification is sought is intended to be and is treated by FPL as private and has not been disclosed.

11. Accordingly, FPL requests that the information identified in Exhibit A 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 affidavit included herewith or incorporated herein by reference, Florida Power & Light Company respectfully requests that its Second Request for Extension of Confidential Classification be granted.

Respectfully submitted this,  
21<sup>st</sup> day of October, 2003.



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Robert E. Stone  
Attorney for  
Florida Power & Light Company  
P.O. Box 029100 - LAW/GO  
Miami, Florida 33102-9100  
(305) 552-4657  
(305) 552-4153 (facsimile)

**EXHIBIT D**

**AFFIDAVIT OF**

**KEN GETCHELL**

**OCTOBER 2003**

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In the matter of Florida Power & Light Company's Second Request for Extension of Confidential Classification By Order No. PSC-00-1569-CFO-EG In Docket No. 000002-EG )  
DOCKET NO.  
STATE OF FLORIDA )  
AFFIDAVIT OF KEN GETCHELL  
MIAMI-DADE COUNTY )

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

1. My name is Ken Getchell. I am currently employed by Florida Power & Light Company ("FPL") as Budget and Regulatory Support Supervisor. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibits A, B, C, D and E of FPL's Request for Confidential Classification of Materials Provided In The Energy Conservation Cost Recovery Clause Audit No. 00-047-4-1/Docket No. 000002-EG filed on August 7, 2000. With respect to Exhibit C, I have reviewed the documents and information for which FPL's Dennis Brandt was listed as Affiant and which were included in Exhibit A to FPL's Request for Confidential Classification filed by FPL on August 7, 2000. 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.

  
\_\_\_\_\_  
Ken Getchell

Before me, the undersigned authority personally appeared, on this day the 20 day of October, 2003, Ken Getchell, who is personally known to me.

  
\_\_\_\_\_  
Notary Public, State of Florida

BERTILA ESTOPINALES  
\_\_\_\_\_  
Print Name of Notary

My Commission Expires:

