



R. Wade Litchfield  
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(561) 691-7135 (Facsimile)

October 29, 2003

Writer's Direct Dial:  
(561) 691-7101

**VIA HAND DELIVERY**

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

**Re: Florida Power & Light Company's First Request for Extension  
of Confidential Classification Granted by Order No. PSC-00-2080-CFO-EG  
issued in Docket No. 000002-EG**

Dear Ms. Bayo:

I enclose and hand you herewith for filing in the above-referenced matter, the original and five (5) copies of Florida Power & Light Company's ("FPL") First Request for Extension of Confidential Classification Granted by PSC Order No. 00-2080-CFO-EG. Exhibits A, B, and C from the previous filing subject to PSC Order No. 00-2080-CFO-EG are incorporated herein by reference.

Exhibit D contains the Affidavit of C. Dennis Brandt in support of FPL's First Request for Extension of Confidential Classification. Also included herewith is a computer diskette containing FPL's Request for Confidential Classification in WordPerfect. Please contact me should you or your Staff have any questions regarding this filing.

Sincerely,

A handwritten signature in cursive script, appearing to read 'R. Wade Litchfield', is written over a horizontal line.

R. Wade Litchfield

RWL/ec  
Enclosures

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Energy Conservation Cost Recovery )  
Clause )  
\_\_\_\_\_)

Docket No. 030002-EG  
Filed: October 29, 2003

**FLORIDA POWER & LIGHT COMPANY'S  
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL  
CLASSIFICATION GRANTED BY ORDER NO. PSC-00-2080-CFO-EG**

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 First Request for Extension of Confidential Classification Granted by Order No. PSC-00-2080-CFO-EG of the Florida Public Service Commission ("FPSC" or "Commission"), issued in Docket No. 000002-EG in connection with FPL's Motion for Protective Order Regarding Confidential Information Required To Be Filed As Part Of True Up Filing submitted for filing on May 15, 2000. 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, Ste. 810  
Tallahassee, Florida 32301-1859  
(850) 521-3910  
(850) 521-3939 Facsimile

R. Wade Litchfield  
Florida Power & Light Company  
Senior Attorney  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
(561) 691-7101  
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2. On May 15, 2000, FPL filed with the Commission its Motion for Protective Order Regarding Confidential Information Required To Be Filed As Part Of True Up Filing (“Motion for Protective Order”). FPL’s initial filing consisted of the Motion for Protective Order and Attachments A through D. By Order No. PSC-00-2080-CFO-EG, issued November 1, 2000, the Commission granted FPL’s Motion for Protective Order.

3. The 36-month period of confidential treatment granted by the Commission will soon expire. The information that was the subject of FPL’s May 15, 2000 Motion for Protective Order warrants continued treatment as proprietary and confidential business information with the meaning of Section 366.093. Accordingly, FPL hereby submits its First Request for Extension of Confidential Classification.

4. FPL adopts and incorporates by reference its May 15, 2000 request, including Exhibits A, B, C. Included herewith and made a part hereof is Exhibit D. Exhibit D consists of the Affidavit of C. Dennis Brandt, which Affidavit replaces Exhibit D submitted with the May 15, 2000 filing.

5. FPL submits that the information that was the subject of FPL’s May 15, 2000 Motion for Protective Order and which the Commission found was proprietary confidential business information in Order No. PSC-00-2080-CFO-EG continues to be 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.

6. All the information in Appendix A to Exhibit BS-1 for which FPL seeks continued confidential classification is customer-specific information. As explained by Mr. Brandt in the Affidavit submitted as Exhibit D, FPL has a corporate policy not to disclose or release customer specific without the consent of the customer. None of the FPL customers referred to in this information has consented to the release of the information. Much of the information for which FPL seeks continued confidential classification is information that is confidential and proprietary to customers, the release of which would harm the customers' business operation, and has not been disclosed other than to the contractors which have performed work for the customers (and then only at the customers' direction). This information may, in some instances, constitute trade secrets to the customers, and is certainly information relating to the customers' competitive interests, the disclosure of which would impair the competitive business of the customers. Information of this nature is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes.

7. As indicated by Mr. Brandt, nothing has changed since the issuance of Order No. PSC-00-2080-CFO-EG to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, FPL requests that the information be accorded confidential classification for an additional period of thirty-six months. FPL further requests that

the information be returned to FPL as soon as it 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 First Request for Extension of Confidential Classification be granted.

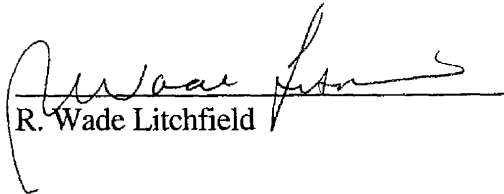
Respectfully submitted,

Charles A. Guyton, Esq.  
Florida Bar No. 398039  
Steel Hector & Davis LLP  
215 S. Monroe St., Suite 601  
Tallahassee, Florida 32301  
Tel: (850) 222-2300

Attorneys for Florida Power & Light  
Company

R. Wade Litchfield  
Florida Authorized House Counsel  
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Juno Beach, Florida 33408-0420  
Tel: (561) 691-7101  
Fax: (561) 691-7135

Attorney for Florida Power & Light Company

  
R. Wade Litchfield

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing First Request for Extension has been furnished by U.S. Mail or Hand Delivery (\*) to the following parties on this 29<sup>th</sup> day of October 2003:

Lorena Holley, Esq.  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Norman Horton, Jr., Esq.  
Messer, Caparello, et al.  
215 S. Monroe Street, Suite 701  
Post Office Box 1876  
Tallahassee, Florida 32302-1876

Lee L. Willis, Esq.  
James D. Beasley, Esq.  
Ausley & McMullen  
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Susan D. Ritenour  
Gulf Power Company  
One Energy Place  
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Beggs & Lane  
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George Bachman  
Florida Public Utilities Co.  
P.O. Box 3395  
West Palm Beach, Florida 33402-3395

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

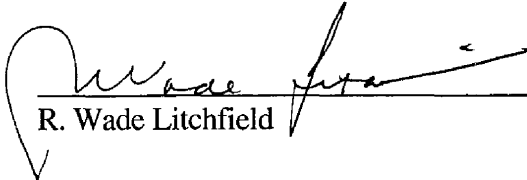
Angela Llewellyn  
Tampa Electric Company  
P.O. Box 111  
Tampa, Florida 33601-0111

John W. McWhirter, Jr., Esq.  
McWhirter, Reeves, et al.  
Post Office Box 3350  
Tampa, Florida 33601

Mr. James A. McGee, Esq.  
Progress Energy Service Co., LLC  
P.O. Box 14042  
St. Petersburg, Florida 33733

Charles Beck, Esq.  
Rob Vandiver, Esq.  
Office of Public Counsel  
111 West Madison Street  
Room 812  
Tallahassee, Florida 32399

Progress Energy Florida, Inc.  
Paul Lewis, Jr./Bonnie Davis  
106 East College Avenue, Suite 800  
Tallahassee, FL 32301-7740

  
R. Wade Litchfield

**EXHIBIT D**

**BEFORE THE FLORIDA  
PUBLIC SERVICE COMMISSION**

In re: Energy Conservation Cost Recovery )  
Clause )  
\_\_\_\_\_ )

Docket No. 030002-EG

Filed: October 29, 2003

STATE OF FLORIDA )  
 )  
MIAMI-DADE COUNTY )

**AFFIDAVIT OF C. DENNIS BRANDT**

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

1. My name is C. 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. I have reviewed the documents and information for which I am listed as Affiant in Exhibit C, and which are included in Appendix A to Exhibit BS-1. The 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. 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, meter numbers, rates, billing determinants (kW and kWh usage), bills, conservation retrofit information, conservation savings in kW, kWh and bills, chiller efficiency reports, costs of equipment retrofits, incentives paid, operating hours, lighting codes for fixtures installed or removed by customers, the Kw per fixture of installed or removed fixtures, operating hours of equipment, the payback of conservation installations, and the identity of contractors performing customer specific installations. FPL treats such information as confidential and does not disclose it to entities or persons other than the customer without the permission of the customer, except as required by law.

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 them an unfair advantage. 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. Practically speaking, it would be a difficult and perhaps impossible task to make a case-by-case determination as to the level of protection each customer's data may merit. However, customers typically want the assurance that their information is protected to the same extent as any other customer's. As a matter of policy, in the interest of customer privacy, and to avoid the disclosure of information that may harm customers' competitive interests, 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.

4. Affiant says nothing further.

C. Dennis Brandt  
C. Dennis Brandt

Before me, the undersigned authority personally appeared, on this day the 24 day of October 2003, C. Dennis Brandt, who is personally known to me.

Janet Hopkins  
Notary Public, State of Florida

Print Name of Notary

My Commission Expires:

