

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidential classification of certain materials provided in connection with audit on reliability indices for test year ended 12/31/02 (Audit Control No. 03-002-4-1) by Florida Power & Light Company.

DOCKET NO. 030930-EI
ORDER NO. PSC-04-0035-CFO-EI
ISSUED: January 13, 2004

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF CERTAIN MATERIALS
CONCERNING RELIABILITY AUDITS

On September 23, 2003, Florida Power & Light Company (FPL) requested, pursuant to Rule 25-22.006, F.A.C., and Section 366.093, Florida Statutes, confidential classification of selected portions of the working papers prepared by staff during the "Florida Power and Light Audit and Test - Reliability Indices for the Year Ended December 31, 2002". The highlighted copies (Document 09128-03) as well as portions of the working papers previously and temporarily held confidential pursuant to Rule 25-22.006(3)(a)(2), F.A.C. (Document 08466-03) are the subjects of the request.

Pursuant to Section 119.07, Florida Statutes, documents submitted to this Commission are presumed to be public records. The only exceptions to this presumption are specific statutory exemptions and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. Subsections 366.093(3)(b) and (3)(e), Florida Statutes, provide the following exemptions pertinent to FPL's request:

Proprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that

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provides that the information will not be released to the public. Proprietary confidential business information includes but is not limited to:

. . . b) Internal auditing controls and reports of internal auditors.

e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

According to Section 366.093, Florida Statutes, and Rule 25-22.006, F.A.C., the utility has the burden of demonstrating that materials qualify for confidential classification. Pursuant to Rule 25-22.006, F.A.C., the utility may meet this burden by demonstrating that the information is proprietary confidential business information, the disclosure of which will cause the utility, the provider of the information or the ratepayer harm.

Based on the definition of proprietary confidential business information stated above, it appears that the material described herein is proprietary confidential business information in accord with Section 366.093, Florida Statutes and Rule 25-22.006, Florida Administrative Code. As indicated in Attachment I, the materials fall into two groupings: internal auditing and customer-specific account information. Internal audit materials are confidential pursuant to Section 366.093(3)(b), Florida Statutes. Customer-specific account information has been held to meet the definition of proprietary confidential business information pursuant to Section 366.093(3)(e), Florida Statutes, in Commission Orders PSC-98-0421-CFO-EI; PSC-98-0620-CFO-EI and PSC-96-1478-CFO-EI. Accordingly, FPL's Request for Confidential Classification of Certain Materials Concerning Reliability Audits is hereby granted.

Based on the foregoing, it is


ORDERED by Chairman Braulio L. Baez, as Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification of Certain Materials Concerning Reliability Audits, as set forth in Attachment I, is hereby granted. It is further

ORDER NO. PSC 04-0035-CFO-EI
DOCKET NO. 030930-EI
PAGE 3

ORDERED that pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the confidentiality granted to the material specified herein shall expire eighteen (18) months from the date of the issuance of this Order, in the absence of a renewed request for confidentiality pursuant to Section 366.093, Florida Statutes. It is further

ORDERED that this Order will be the only notification by the Commission to parties concerning the expiration of the confidentiality time period.

By ORDER of Chairman Braulio L. Baez, as Prehearing Officer, this 13th day of January, 2004.

 for Commissioner Braulio Baez

BRASILIO L. BAEZ
Chairman and Prehearing Officer

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

ORDER NO. PSC-04-0035-CFO-EI
DOCKET NO. 030930-EI
PAGE 4

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

Staff Work Paper Number	Page(s)	Line(s)	Disposition	Type of Information Classified Confidential
Documents 08466-03 and 09128-03				
9	1-25	All	Grant	Internal auditing controls and reports of internal auditors
9A	1-2	All	Grant	Internal auditing controls and reports of internal auditors
9-1	1	All	Grant	Internal auditing controls and reports of internal auditors
9-2	1	All	Grant	Internal auditing controls and reports of internal auditors
9-3	1-34	All	Grant	Internal auditing controls and reports of internal auditors
9-4	1-5	All	Grant	Internal auditing controls and reports of internal auditors
9-5	1-2	All	Grant	Internal auditing controls and reports of internal auditors
9-6	1-2	All	Grant	Internal auditing controls and reports of internal auditors
9-7	1-2	All	Grant	Internal auditing controls and reports of internal auditors
9-8	1-14	All	Grant	Internal auditing controls and reports of internal auditors

Staff Work Paper Number	Page(s)	Line(s)	Disposition	Type of Information - Classified Confidential
9-9	1-8	All	Grant	Internal auditing controls and reports of internal auditors
Documents 08466-03 and 09128-03				
10-71	1	1-4	Grant	Customer-specific account information
10-72	1	1	Grant	Customer-specific account information
44-1/2-1/1, Page 7	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 8	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 9	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 10	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 11	1	1	Grant	Customer-specific account information
44-1/2-1/1, Page 12	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 13	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 15	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 23	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 24	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 25	1	Col. A	Grant	Customer-specific account information

Staff Work Paper Number	Page(s)	Line(s)	Disposition	Type of Information Classified Confidential
44-1/2-1/1, Page 26	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 27	1	Col. A	Grant	Customer-specific account information
Documents 08466-03 and 09128-03				
44-1/2-1/1, Page 28	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 29	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 30	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 31	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 32	1	1	Grant	Customer-specific account information
44-1/2-1/1, Page 33	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 34	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 35	1	1	Grant	Customer-specific account information
44-1/2-1/1, Page 36	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 37	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 38	1	1	Grant	Customer-specific account information
44-1/2-1/1, Page 39	1	Col. A	Grant	Customer-specific account information

Staff Work Paper Number	Page(s)	Line(s)	Disposition	Type of Information Classified Confidential
44-1/2-1/1, Page 40	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 42	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 43	1	Col. A	Grant	Customer-specific account information
Documents 08466-03 and 09128-03				
44-1/2-1/1, Page 44	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 45	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 46	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 47	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 48	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 49	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 50	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 51	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 52	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 53	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 54	1	Col. A	Grant	Customer-specific account information

Staff Work Paper Number	Page(s)	Line(s)	Disposition	Type of Information Classified Confidential
44-1/2-1/1, Page 55	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 56	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 57	1	Col. A	Grant	Customer-specific account information
44-1/2-1/1, Page 58	1	Col. A	Grant	Customer-specific account information
Documents 08466-03 and 09128-03				
44-1/2-1/2-1, Page 1	1	Col. A-B	Grant	Customer-specific account information
44-1/2-1/2-1, Page 2	1	Col. A	Grant	Customer-specific account information
44-1/2-1/2-1, Page 7	1	Col. A	Grant	Customer-specific account information
44-1/2-1/2-2, Page 1	1	Col. A-B	Grant	Customer-specific account information
44-1/2-1/2-2, Page 7	1	Col. A	Grant	Customer-specific account information
44-1/2-1/2-2, Page 8	1	Col. A	Grant	Customer-specific account information
44-1/2-1/2-2, Page 10	1	Col. A	Grant	Customer-specific account information
44-1/2-1/2-2, Page 11	1	Col. A	Grant	Customer-specific account information
44-1/2-1/2-3, Page 1	1	Col. A-B	Grant	Customer-specific account information
44-1/2-1/2-3, Page 6	1	Col. A	Grant	Customer-specific account information

Staff Work Paper Number	Page(s)	Line(s)	Disposition	Type of Information Classified Confidential
46-1/1, Page 6	1	Col. A	Grant	Customer-specific account information
46-1/1, Page 7	1	Col. A	Grant	Customer-specific account information
46-1/1, Page 8	1	Col. A	Grant	Customer-specific account information
46-1/1, Page 9	1	Col. A	Grant	Customer-specific account information
46-1/1, Page 10	1	Col. A	Grant	Customer-specific account information
Documents 08466-03 and 09128-03				
46-1/1, Page 11	1	Col. A	Grant	Customer-specific account information
46-1/1, Page 12	1	Col. A	Grant	Customer-specific account information
46-1/1, Page 13	1	Col. A	Grant	Customer-specific account information
46-1/1, Page 14	1	Col. A	Grant	Customer-specific account information
46-1/1, Page 15	1	Col. A	Grant	Customer-specific account information
46-1/1, Page 16	1	Col. A	Grant	Customer-specific account information
46-1/1, Page 17	1	1	Grant	Customer-specific account information
46-1/2, Page 6	1	Col. A	Grant	Customer-specific account information
46-1/2, Page 7	1	1	Grant	Customer-specific account information

Staff Work Paper Number	Page(s)	Line(s)	Disposition	Type of Information Classified Confidential
46-1/2, Page 8	1	Col. A	Grant	Customer-specific account information
46-1/2, Page 9	1	Col. A	Grant	Customer-specific account information
46-1/2, Page 10	1	1	Grant	Customer-specific account information
46-1/2, Page 11	1	Col. A	Grant	Customer-specific account information
46-1/2, Page 12	1	Col. A	Grant	Customer-specific account information
46-1/3, Page 6	1	Col. A	Grant	Customer-specific account information
Documents 08466-03 and 09128-03				
46-1/3, Page 7	1	Col. A	Grant	Customer-specific account information
46-1/3, Page 9	1	Col. A	Grant	Customer-specific account information
46-1/3, Page 10	1	Col. A	Grant	Customer-specific account information
47-1/2-1, Page 5	1	Col. A	Grant	Customer-specific account information
47-1/2-1, Page 6	1	Col. A	Grant	Customer-specific account information
47-1/2-1, Page 7	1	Col. A	Grant	Customer-specific account information
47-1/2-1, Page 8	1	Col. A	Grant	Customer-specific account information
47-1/2-1, Page 9	1	Col. A	Grant	Customer-specific account information

Staff Work Paper Number	Page(s)	Line(s)	Disposition	Type of Information Classified Confidential
47-1/2-1, Page 10	1	Col. A	Grant	Customer-specific account information
47-1/2-1, Page 11	1	Col. A	Grant	Customer-specific account information
47-1/2-1, Page 12	1	1	Grant	Customer-specific account information
47-1/2-1, Page 13	1	Col. A	Grant	Customer-specific account information
47-1/2-1, Page 14	1	Col. A	Grant	Customer-specific account information
47-1/2-1, Page 15	1	Col. A	Grant	Customer-specific account information
47-1/2-1, Page 16	1	Col. A	Grant	Customer-specific account information
Documents 08466-03 and 09128-03				
47-1/2-1, Page 17	1	Col. A	Grant	Customer-specific account information
47-1/2-1, Page 19	1	Col. A	Grant	Customer-specific account information