



ORIGINAL

Florida Power & Light Company, P.O. Box 029100, Miami, FL 33102-9100

Writer's Direct Dial  
(305) 552-4657

April 16, 2004

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

RECEIVED-FPSC  
APR 16 PM 1:32  
COMMISSION  
CLERK

Re: **Florida Power & Light Company's  
First Request for Extension of Confidential Classification Granted  
By Order No. PSC-02-1493-CFO-EG of Certain Materials Obtained  
Pursuant to Audit No. 02-064-4-1**

040002 - EG

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") First Request for Extension of Confidential Classification Granted by FPSC Order No. PSC-02-1493-CFO-EG.

Included is a computer diskette containing the electronic version of FPL's First Request for Extension in Word format and the Revised Justification Table 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-02-1493-CFO-EG pending disposition of FPL's First Request for Extension of Confidential Classification.

Finally, enclosed is an additional copy of FPL's First Request for Extension of Confidential Classification. Please stamp file this additional copy and return to FPL at your convenience.

Please do not hesitate to contact 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,

Robert E. Stone  
Attorney

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

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FPSC-COMMISSION CLERK

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In the matter of Florida Power &                    )  
Light Company's First Request for                    )  
Extension of Confidential Classification                    )  
By Order No. PSC-02-1493-CFO-EG                    )  
Of Certain Materials Obtained Pursuant to                    )  
Audit No. 02-064-4-1                                        )  
\_\_\_\_\_ )

DOCKET NO. \_\_\_\_\_

FILED: \_\_\_\_\_

**FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL  
CLASSIFICATION GRANTED BY ORDER NO. PSC-02-1493-CFO-EG  
OF CERTAIN MATERIALS OBTAINED PURSUANT TO  
AUDIT NO. 02-064-4-1**

**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-02-1493-CFO-EG of the Florida Public Service Commission ("FPSC" or "Commission") issued in Docket No. 020002-EI in Audit No. 02-064-4-1 (the "Audit"). 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)

DOCUMENT NUMBER-DATE

04581 APR 16 3

FPSC-COMMISSION CLERK

2. On July 30, 2002, 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 D. On October 10, 2002, after discussions with the Commission staff, FPL filed Revised Exhibit A, Revised Exhibit B and Revised Exhibit C to amend Exhibits A, B and C filed on July 30, 2002. FPL adopts and incorporates by reference its July 30, 2002 request, including Exhibits A, B, C and D as well as the Revised Exhibits A, B and C filed on October 10, 2002.

3. By Order No. PSC-02-1493-CFO-EG dated October 31, 2002, the Commission granted FPL's request.

4. The period of confidential treatment granted by the Commission will soon expire. All highlighted information that was the subject of FPL's July 30, 2002 Request warrants continued treatment as proprietary and confidential business information with the meaning of section 366.093. Attached as Exhibit C hereto is a table containing a line-by-line and page-by-page identification of the information for which continued confidential treatment is sought, and, with regard to each document or portion thereof, reference to the specific statutory basis or bases for the claim of confidentiality and to the affidavits in support of the requested classification. Exhibit C is sometimes referred to hereinafter as the "Revised Justification Table."

5. Included herewith and made a part hereof is Exhibit D. Exhibit D consists of the Affidavits of Robert Onsgard and Ken Getchell, which Affidavits shall supplement

the Exhibit D previously filed on July 30, 2002.

6. 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.

7. The statutory bases for FPL's assertion of confidentiality with regard to each document or portion thereof are set forth in the Revised Justification Table under the column titled "FLORIDA STATUTE 366.093(3) Subsection." The letters (a) through (f) refer to subsections of section 366.093(3), as applicable. Support for FPL's First Request for Extension of Confidential Classification of the referenced material is provided through the Affidavits of Robert Onsgard and Ken Getchell. The Revised Justification Table identifies the basis for FPL's assertion of confidentiality with regard to each document or portion thereof.

8. FPL submits that all of the highlighted information in Revised Exhibit A continues to be proprietary confidential business information within the meaning of section 366.093(3). The information for which FPL seeks continued confidential classification consists of customer-specific account information. FPL considers such information to be confidential proprietary business information of the customer within the meaning of section 366.093(3)(e) and does not disclose such information to third parties unless

required by law or unless the customer consents to the disclosure. The Commission in the past has found customer-specific information to be proprietary confidential business information.<sup>1</sup> Additionally, the highlighted information in Revised Exhibit A also contains business plans and strategies which FPL considers to be confidential proprietary business information, the disclosure of which would impair the competitive business of FPL. Finally, the highlighted information also contains internal audit controls or reports or information relating to same. Such information is entitled to protection under section 366.093(3)(b). Support for FPL's request is provided through the Affidavits included as Exhibit D. The statutory bases for FPL's assertion of confidentiality with regard to each document or portion thereof are set forth in the Revised Justification Table.

9. The material for which FPL seeks continued confidential classification is intended to be and is treated by FPL as private and has not been disclosed. Nothing has changed since the issuance of Order No. PSC-02-1493-CFO-EG to render the information stale or public such that continued confidential treatment would not be appropriate.

10. Accordingly, FPL requests that the information identified in the Revised Justification Table and highlighted in Revised Exhibit A to the July 30, 2002 Request for Confidential

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<sup>1</sup> *In re: Petition for approval of proposed pilot/experimental Real Time Pricing Program and the associated rate schedule by Gulf Power Company*, Docket No. 941102-EI, Order No. PSC-98-0421-CFO-EI, 99 FPSC 3:310; *In re: Electric Service Quality (ESQ) Audit Request for Confidentiality (Audit Control No. 97-01-002)*, Docket No. 971668-EI, Order No. PSC-98-0620-CFO-EI, 98 FPSC 5:28; *In re: Request for confidential classification of portions of audit report regarding Commercial/Industrial Demand Side Management by Florida Power & Light Company*, Docket No. 961013-EI, Order No. PSC-96-1478-CFO-EI, 96 FPSC 12:184.

Classification and referenced in Order No. PSC-02-1493-CFO-EG 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 affidavits included herewith or incorporated herein by reference, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification be granted.

Dated: April 16, 2004

Respectfully submitted,



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Robert E. Stone  
Attorney for  
Florida Power & Light Company  
P.O. Box 029100 LAW/GO  
Miami, Florida 33102-9100  
Phone: (305) 552-4657  
Facsimile: (305) 552-4153  
Email: bob\_stone@fpl.com

**EXHIBIT C (Revised Justification Table - 4/12/04)**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Workpapers  
**AUDIT:** FPL., Energy Conservation Cost Recovery Clause Audit from Jan. 1– Dec. 31, 2001  
**AUDIT CONTROL NO:** 02-064-4-1

Workpaper No.	Description	No. of Pages	Conf Y/N	Line No/Col No.	Florida Statute 366.093(3) Subsection	Affiant
9	Internal Audits	4	Y	p.1, Col C, lines 1-51; p.2, Col C, lines 52-99; p.3, Col C, lines 1-5; p.4, Col C, lines 1-23	(b)	Robert Onsgard
9-1	Notes from Internal Audits	7	Y	p.1-7, all	(b)	Robert Onsgard
41-1/1-1	RTP Factors 7/01	16	Y	p.1-2, 4-6, 9-10, 12-16, Col A,C, line1; Col B, line 2; Col B,C, lines 3-4; lines 5-6, Col B, C, lines 7-10; Col B,C, lines 12-13; Col B, line 14, Col F, line 16; Col D,E,F, lines 17-18; Col D,E, lines 20-21; Col D,E,F, lines 22-24; Col F, line 25; Col B, line 27; Col A,B,C,D, line 28	(e)	Ken Getchell
			N	p. 3, 7, 8 & 11		
41-1/1-2	Billing Invoices 7/01	10	Y	p.2-3, 6-10, Col A,B, lines 1-3; Col B,C,E,F,G, lines 8-45	(e)	Ken Getchell
			N	p. 1, 4 & 5		
41-1/1-3	Billing invoices 9/01	9	Y	p.2-3, 5-7, 9, Col A,B, lines 1-3; Col B,C,E,F,G, lines 8-45	(e)	Ken Getchell
			N	p.1, 4 & 8		

Workpaper No.	Description	No. of Pages	Conf Y/N	Line No/Col No.	Florida Statute 366.093(3) Subsection	Affiant
43-3	Sample Testing	1	Y	p.1, Col I,K, lines 1-44	(e)	Ken Getchell
43-4/1	Incentives	2	Y	p. 1-2, Col A, B, lines 1-3; Col B,C,E,F,G, Lines 8-43	(e)	Ken Getchell
43-6	Sample Testing	1	Y N	p.1, Col I,K, lines 49-55, 59-62, 64-91 lines 56-58, 63	(e)	Ken Getchell
43-6/10	Invoice	10	Y Y Y Y Y N Y N N Y	p.1, line 1; p.2, lines 2,4,15, 19-23, 25-30; p.3, lines 6,7,25; p.4, line 11 p.5, line 1 p.6; p.7, lines 11-15; p.8; p.9; p.10, Col A, lines 3,5, & 7	(e)	Ken Getchell
43-6/11	Invoice	5	Y	p.1, lines 1-4, 6, & 11-12; p.2, Col A, lines 2-33; p.3-5, all	(e)	Ken Getchell
43-6/12	Invoice	4	Y	p.1, lines 1-4, Col A, B, C, lines 5-6; Col A, lines 8-12; Col A, B, C, lines 13-14, 15-38; p.2, lines 1-19; p.3-4 all	(e)	Ken Getchell
43-7	Sample Testing	4	Y	p.1, Col J & K, line 1; p.2, Col G, line 22; Col J, line 9; Col N, lines 18-19; p.3, Col G,K,N, line 23; p.4, Col N, lines 13-15; Col J, lines 15-17; Col N, lines 23A-25; Col G,K, lines 25-27; Col N, line 27; Col J, lines 32-36	(e)	Ken Getchell
43-7/3	Invoice	4	Y	p.1, lines 1-2; Col A, B, C, lines 3-4; Col A, lines 5-9; Col A, B, C, lines 10-11; lines 13-36 p.2, lines 1-7; lines 15-23 p.3 & 4 all	(e)	Ken Getchell



Workpaper No.	Description	No. of Pages	Conf Y/N	Line No/Col No.	Florida Statute 366.093(3) Subsection	Affiant
44-7/1-1/1	CILC Incentives	7	Y	<p>p.1, Col A,B,C,J,K, L,N, lines 1, 4, 11, 13, 15, 17, 19-20, 23, 25-26, 28-32, 34, 36, 41-44, 49-51, 53, 56-61, 66-67, 69-72.</p> <p>p.2, Col A,B,C,J,K, L &amp; N, lines 1, 5-6, 9-11, 14, 17, 19-20, 22, 30, 32-33, 35, 41-43, 46, 48-51, 56-59, 61, 63, 65, 68, 70, 72-73.</p> <p>p.3, Col A,B,C,J, K, L &amp; N, lines 2, 9, 11, 13, 15-16, 18-20, 24, 27, 29, 31, 37-41, 45-46, 48, 50, 52-53, 57, 59, 61-64, 66, 68-70, &amp; 72-74.</p> <p>p.4, Col A,B,C,J,K, L &amp; N, lines 2,4,9, 11, 20-22, 24, 26, 28, 30-34, 36, 38, 41-43, 45, 53, 55-56, 59, 63, 65, 68, &amp; 71.</p> <p>p.5, Col A,B,C,J, K, L &amp; N, lines 3,4, 8-11, 13,15, 17-18, 20-22, 26, 30-32, 34-35, 38, 41-43, 49-50, 52, 54, 58, 60-63, 66-67, 71-72, 74.</p> <p>p.6, Col A,B,C, J, K, L &amp; N, lines 1-3, 8, 10, 13,15-16,21, 24-25,28-29,31,36, 39,41, 44-45, 47, 49-51, 55-57, 61-63,65-66,70-71.</p> <p>p.7, Col A,B,C,J,K, L &amp; N, lines 2,4-8,10,12-20,23, 28, 32, 37-40, 45-46, 48-51,53,55, 57, 60,62</p>	(e)	Ken Getchell

Workpaper No.	Description	No. of Pages	Conf Y/N	Line No/Col No.	Florida Statute 366.093(3) Subsection	Affiant
44-9/1-1/1	CILC Incentives	7	Y	<p>p.1, Col A,B,C,J, K,L,N, lines 1,5,9,11-12,14,17-19,21-24,27,29,37-40,42-43,47-51,54-55,58-59,61-62,64,67,69,71,74.</p> <p>p.2, Col A,B,C,J,K, L,N, lines 6,10-11,20,22,24-26,28-29,33-34,39,42-44,46,49-50,54-55,59-60,65-66,68,72.</p> <p>p.3, Col A,B,C,J,K, L,N, lines 2-4,14-16,19-21,24-27,33-34,36-37,40-43,45,49,53-54,57-58,60,62-63,70-72,74.</p> <p>p.4, Col A,B,C,J,K, L,N, lines 1-2,4,6-8,10,14,20,22,25,30,31,33,37-38,41,45-47,52-54,56,58,61-65,67-69,74.</p> <p>p.5, Col A,B,C,J,K, L,N, lines 2-4,8,9,13,17-22,24,27-28,31-32,34,36-38,42-44,46-47,49-50,55-56,58-59,62-64,67-70,72-74.</p> <p>p.6, Col A,B,C,J,K, L,N, lines 4-7,9-10,12,17-19,21-23,25-26,31,39,41,46,49-51,54-57,61-65,70-73.</p> <p>p.7, Col A,B,C,J,K, L,N, lines 1,3-4,6,10-11,15-20,27,32-37,39-42,54,56,58.</p>	(e)	Ken Getche

**EXHIBIT D**

**BEFORE THE FLORIDA  
PUBLIC SERVICE COMMISSION**

In the matter of Florida Power & Light Company's First Request for Extension of Confidential Classification Granted by Order No. PSC-02-1493-CFO-EG Of Certain Materials Obtained Pursuant to Audit No. 02-064-4-1 )

Docket No.: \_\_\_\_\_

Filed \_\_\_\_\_

STATE OF FLORIDA )  
MIAMI-DADE COUNTY )

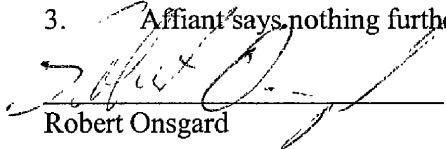
**AFFIDAVIT OF ROBERT ONGSARD**

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

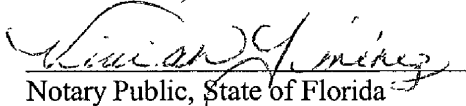
1. My name is Robert Onsgard. I am currently employed by Florida Power & Light Company (FPL) as Manager, Internal Auditing. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Revised Exhibit A and Revised Exhibit B of FPL's Request for Confidential Classification of Materials Provided Pursuant to Audit No. 02-064-4-1 filed on October 10, 2002 in connection with FPL's July 30, 2002 filing requesting confidential classification ("FPL's Request for Confidential Classification"). I have also reviewed Exhibit C (the Revised Justification Table) to FPL's First Request for Extension of Confidential Classification Granted by Order No. PSC-02-1493-CFO-EG of Certain Materials Obtained Pursuant to Audit No. 02-064-4-1. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant and which are included in Revised Exhibit A to FPL's Request for Confidential Classification. Documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute internal auditing controls and reports of internal auditors or information relating to same. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials. The documents or materials continue to be proprietary confidential business information and should be accorded confidential classification by the Commission for an additional eighteen months.

3. Affiant says nothing further.

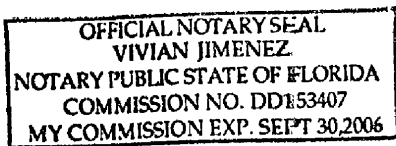
  
Robert Onsgard

**SWORN TO AND SUBSCRIBED** before me this 13<sup>th</sup> day of April, 2004, by Robert Onsgard, who is personally known to me or who has produced personally known (type of identification) as identification.

  
Notary Public, State of Florida

Vivian Jimenez  
Print Name of Notary

My Commission Expires:



**EXHIBIT D**

**BEFORE THE FLORIDA  
PUBLIC SERVICE COMMISSION**

In the matter of Florida Power & )  
Light Company's First Request for ) Docket No.: \_\_\_\_\_  
Extension of Confidential Classification )  
Granted by Order No. PSC-02-1493-CFO-EG ) Filed \_\_\_\_\_  
Of Certain Materials Obtained Pursuant to )  
Audit No. 02-064-4-1 )

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.

I have reviewed Revised Exhibit A and Revised Exhibit B of FPL's Request for Confidential Classification of Materials Provided Pursuant to Audit No. 02-064-4-1 filed on October 10, 2002 in connection with FPL's July 30, 2002 filing requesting confidential classification ("FPL's Request for Confidential Classification"). I have also reviewed Exhibit C (the Revised Justification Table) to FPL's First Request for Extension of Confidential Classification Granted by Order No. PSC-02-1493-CFO-EG of Certain Materials Obtained Pursuant to Audit No. 02-064-4-1. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant and which are included in Revised Exhibit A to FPL's Request for Confidential Classification. 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. 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. Additionally, some of the documents and information in Revised Exhibit A contains FPL business plans and strategies which FPL considers to be confidential proprietary business information, the disclosure of which would impair the competitive business of FPL.

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

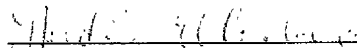
sensitivity or potential harm with respect to disclosing a particular customer's information; rather, in deference to its customers, as a matter of policy, and in the interest of customer privacy, FPL has not disclosed to third parties specific rate and contract information for customers unless required 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. FPL has maintained the confidentiality of these documents and materials. The documents or materials continue to be proprietary confidential business information and should be accorded confidential classification by the Commission for an additional eighteen months.

5. Affiant says nothing further.

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

SWORN TO AND SUBSCRIBED before me this 12<sup>th</sup> day of April, 2004, by Ken Getchell, who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

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

My Commission Expires:

HEIDI D. ELLENBERGER  
Print Name of Notary

