

ORIGINAL

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



FPL

Writer's Direct Dial  
(305) 552-4657

April 19, 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 19 PM 4:14  
COMMISSION  
CLERK

040001-EI

**Re: Florida Power & Light Company's  
First Request for Extension of Confidential Classification Granted  
By Order No. PSC-02-1437-CFO-EI of Certain Materials Obtained  
Pursuant to Audit No. 02-044-4-1**

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-02-1437-CFO-EI.

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 WordPerfect 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-02-1437-CFO-EI 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

(FOR 06362-02  
06955-02)

DOCUMENT NUMBER-DATE

04642 APR 19 04

FPSC-COMMISSION CLERK

- PCA 1
- AUS \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- MMS \_\_\_\_\_
- SEC \_\_\_\_\_
- OTH \_\_\_\_\_

RES/ca  
records  
Enclosures



2. On July 8, 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 August 29, 2002, after discussions with the Commission staff, FPL filed a Revised Exhibit C to replace the Exhibit C filed on July 8, 2002. FPL adopts and incorporates by reference its July 8, 2002 request, including Exhibits A, B, C and D as well as the Revised Exhibit C filed on August 29, 2002.

3. By Order No. PSC-02-1437-CFO-EI dated October 21, 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 8, 2002 Request, as amended by the August 29, 2002 filing, 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 Osvaldo J. Lom and Gerard J. Yupp, which Affidavits shall

supplement the Exhibit D previously filed July 8, 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 Osvaldo J. Lom and Gerard J. Yupp. 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 Exhibit A continues to be proprietary confidential business information within the meaning of section 366.093(3). The information for which FPL seeks confidential classification consists primarily of contracts and contractual data such as pricing and other terms, customer names and related information, payment records and contractor rates. Disclosure of this information would impair the efforts of FPL to contract for services on favorable terms

and/or would impair the competitive interests of the providers of the information. This information also relates to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Finally, the information also contains sensitive, proprietary bank account information, the disclosure of which may cause harm to FPL's business operations. 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-02-1437-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate.

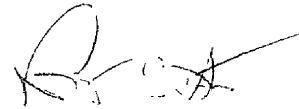
10. Accordingly, FPL requests that the information identified in the Revised Justification Table and highlighted in Exhibit A to the July 8, 2002 Request for Confidential Classification and referenced in Order No. PSC-02-1437-CFO-EI be accorded confidential classification for an additional eighteen month 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 17, 2004

Respectfully submitted,



---

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.,Capacity Cost Audit from Jan. 1- Dec. 31, 2001  
**AUDIT CONTROL NO:** 02-044-4-1

<u>WKPAPER NO.</u>	<u>DESCRIPTION</u>	<u>NO. OF PAGES</u>	<u>CONF. Y/N</u>	<u>LINE NO./ COL. NO.</u>	FLORIDA STATUTE 366.093(3) <u>Subsection:</u>	<u>AFFIANT</u>
42	Capacity Sales	1	N			
42-1	Transmission Sales	1	N			
42-1/1	May Sales	1	N			
42-1/1-1	May Sales Invoices	2	N			
42-1/1-2	May Purchases/ Sales	2	Y	All	(e)	Gerard J. Yupp
42-1/2	May Estimated	2	N			
42-1/2-1	Billing Reports	16	N			
42-1/2-2	Billing Reports	12	N			
42-1/2-3	Billing Reports	6	N			
42-1/2-4	Billing Reports	6	N			
42-1/2-5	Billing Reports	6	N			
42-1/2-6	Billing Reports	1	N			
42-1/2-7	Billing Reports	5	N			
42-1/2-8	Billing Reports	1	N			

42-1/2-9	Billing Reports	7	N			
42-1/2-10	Billing Reports	11	N			
42-1/2-11	Billing Reports	13	N			
42-1/3	April Estimated	2	N			
42-1/4	July Estimated	1	Y	Col E, Lines 3-24	(e)	Gerard J. Yupp
42-1/4-1	July Estimated	1	Y	All	(e)	Gerard J. Yupp
42-1/5	July Estimated	2	N			
42-1/5-1	July Estimated	1	N			
42-1/6	June Actual	1	N			
42-1/6-1	June Actual	1	N			
42-2	Jurisdictional %	1	N			
42-3	Accounting Handbook	3	Y	p.1, Col. C, Lines 2-7	(c)	Gerard J. Yupp
			Y	p.1, Lines 8-37 p.2, Col. C, Lines 2-7	(c)	
			Y	p.2, Lines 8-39 p.3, Col. C, Lines 2-7 p.3, Lines 8-28	(c)	
43	Summary SJRPP	1	N			
43-1	SJRPP	4	N			
43-1/1	May Estimate SJRPP	1	N			
43-1/1-1	May Estimate Backup	5	Y	p.1, Lines 11-13 p.1, Col. D, Lines 15-21	(c)	O. Lom



			N	p. 2-5		
43-1/2	April Estimate Backup	1	N			
43-1/2-1	April Estimate Backup	3	Y	p.1, Lines 10-12 p.1, Col. C, Lines 13-20	(c)	O. Lom
			N	p. 2-3		
43-1/2-2	April Actual Backup	3	Y	p.1, Lines 10-12 p.1, Col. C, Lines 14-21	(c)	O. Lom
			N	p. 2-3		
43-2	SJRPP	4	N			
43-2/1	July Estimate SJRPP	1	N			
43-2/1-1	July Estimate Backup	3	Y	p.1, Lines 10-12 p.1, Col. C, Lines 14-21	(c)	O. Lom
			N	p.2-3		
43-2/2	June Estimate Backup	1	N			
43-2/2-1	June Estimate Backup	3	Y	p.1, Lines 11-13 p.1, Col. D, Lines 15-22	(c)	O. Lom
			N	p. 2-3		
43-2/2-2	June Actual Backup	3	Y	p.1, Lines 11-13 p.1, Col. C, Lines 15-22	(c)	O. Lom
			N	p. 2-3		
43-3	Suspension Payment	2	N			
43-3/1	Suspension Payment	2	N			
43-4	JEA CONTRACT	8	N			
43-5	Joint Ownership Agreem.	6	N			

44	Transmission Of Elect	1	N			
44-1	Transmission Of Elect	1	N			
44-1/1	Transmission Of Elect	1	Y	Col. A, Lines 2, 5-6 Col. B, Line 7 Col. C, Line 7 Col. E, Line 7 Col. F, Line 7 Lines 13, 15-21	(e)	Gerard J. Yupp
44-1/1-1	Transmission Cost	1	Y	Col E, Lines 13-31	(e)	Gerard J. Yupp
44-1/1-2	Transmission Cost	1	Y	Col E, Lines 12-29	(e)	Gerard J. Yupp
44-1/1-2/1	Transmission Cost	1	Y	Line 1, 3-8	(e)	Gerard J. Yupp
44-1/1-2/2	Transmission Cost	2	Y Y	p.1, Col. K, Lines 1-3  p. 2, Col. L, Lines 3-46	(e) (e)	Gerard J. Yupp
44-1/1-3	Transmission Recap	1	Y	All	(e)	Gerard J. Yupp
44-2	Transmission Of Elect	1	N			
44-2/1	Transmission Of Elect	1	Y	Col. A, Line 2 Lines 5-6 Col. B, Line 7 Col. C, Line 7 Col. E, Line 7 Col. F, Line 7 Lines 13, 15-21	(e)	Gerard J. Yupp
44-2/1-1	Transmission Cost	1	Y	Col I, Lines 3-24	(e)	Gerard J. Yupp
44-2/1-2	Transmission Cost	1	Y	Col B, Lines 11-29	(e)	Gerard J. Yupp

44-2/1-2/1	Transmission Cost	1	Y	All	(e)	Gerard J. Yupp
45	Short Term Purchases	1	Y	All	(e)	Gerard J. Yupp
45-1	Short Term Purchases	1	N			
45-1/1	Summary Report	2	Y Y	p.1, Col. B, Lines 3-8 p.1, Col. C, Lines 3-8 p.1, Lines 9 - 70 p.2, All	(e) (e)	Gerard J. Yupp
45-1/1-1	Payment Invoice	2	Y Y	p.1, Lines 1-2 p.1, Col. A, Line 3 p.1, Col. D, Lines 6-8 p.1, Lines 8-44 p.2, Lines 3 - 25	(e) (e)	Gerard J. Yupp
45-1/1-1/1	Transaction Agreement	9	Y	All	(d)	Gerard J. Yupp
45-1/1-2	Payment Invoice	2	Y Y	p.1, All p.2, Lines 3-25	(e) (e)	Gerard J. Yupp
45-1/1-2/1	Transaction Agreement	3	Y	All	(d)	Gerard J. Yupp
45-2	Short Term Purchases	1	N			
45-2/1	Summary Report	2	Y	All	(e)	Gerard J. Yupp
45-2/1-1	Payment Invoice	1	Y	Col. C, Lines 4-7 Col. D, Lines 4-7 Lines 7-41	(e)	Gerard J. Yupp
45-2/1-2	Payment Invoice	1	Y	All	(e)	Gerard J. Yupp

45-2/1-3	Purchase Statement	2	Y Y	p.1, Lines 3-32 p.2, All	(e) (e)	Gerard J. Yupp
45-2/1-3/1	Transaction Agreement	2	Y Y	p.1, Lines 2-5, 8-35 p.2, All	(e) (e)	Gerard J. Yupp
45-2/2	August Transactions	1	Y	All	(e)	Gerard J. Yupp

**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-02-1437-CFO-EI )  
Of Certain Materials Obtained Pursuant to )  
Audit No. 02-044-4-1 )

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

Filed \_\_\_\_\_

STATE OF FLORIDA )  
MIAMI-DADE COUNTY )

**AFFIDAVIT OF OSVALDO J. LOM**

**BEFORE ME**, the undersigned authority, personally appeared Osvaldo J. Lom, who, being first duly sworn, deposes and says:

1. My name is Osvaldo J. Lom. I am currently employed by Florida Power & Light Company (FPL) as Supervisor of Purchased Power Contracts. I have personal knowledge of the matters stated in this affidavit.

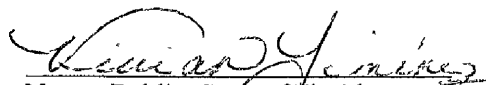
2. I have reviewed Exhibits A and B of FPL's Request for Confidential Classification of Materials Provided Pursuant to Audit No. 02-044-4-1 filed on July 8, 2002 ("FPL's Request for Confidential Classification"). I have also reviewed Exhibit C (the Revised Justification Table) to FPL's First Request for Extension of Confidential Classification Granted by Order No. PSC-02-1437-CFO-EI of Certain Materials Obtained Pursuant to Audit No. 02-044-4-1. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant and which are included in Exhibit A to FPL's Request for Confidential Classification. The documents or materials that I have reviewed are asserted by FPL to be proprietary confidential business information the disclosure of which may cause harm to FPL's business operations. Specifically, some of the information for which I am listed as Affiant in Exhibit C contains sensitive, proprietary bank account information. In addition, some of the data included in Exhibit A contain contract-related information. Disclosure of this information may impair FPL's competitive business interests and ability to contract on favorable terms. 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.



Osvaldo J. Lom

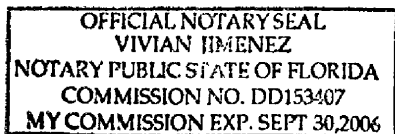
**SWORN TO AND SUBSCRIBED** before me this 10<sup>th</sup> day of April, 2004, by Osvaldo J. Lom, who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.



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 Extension of Confidential Classification Granted by Order No. PSC-02-1437-CFO-EI Of Certain Materials Obtained Pursuant to Audit No. 02-044-4-1 )  
) Docket No.: \_\_\_\_\_  
) Filed \_\_\_\_\_  
)


STATE OF FLORIDA )  
) AFFIDAVIT OF GERARD J. YUPP  
PALM BEACH COUNTY )

**BEFORE ME**, the undersigned authority, personally appeared Gerard J. Yupp, who, being first duly sworn, deposes and says:

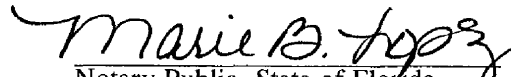
1. My name is Gerard J. Yupp. I am currently employed by Florida Power & Light Company (FPL), Energy Marketing and Trading (EMT) Division, as Manager of Regulated Wholesale Power Trading. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibits A and B of FPL's Request for Confidential Classification of Materials Provided Pursuant to Audit No. 02-044-4-1 filed on July 8, 2002 ("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-02-1437-CFO-EI of Certain Materials Obtained Pursuant to Audit No. 02-044-4-1. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant and which are included in Exhibit A to FPL's Request for Confidential Classification. The documents or materials that I have reviewed are asserted by FPL to be proprietary confidential business information. Some of the documents or materials relate to competitive interests, the disclosure of which may impair the competitive business of the provider of the information. Some of the data included in Exhibit A contain information including contracts, contract prices and other contract-related information. Disclosure of this information may impair FPL's competitive business interests and ability to contract on favorable terms. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials. Finally, some of the data in Exhibit A are internal company procedures which FPL considers to be confidential proprietary business information. 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.

  
Gerard J. Yupp

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

  
Notary Public, State of Florida  
Marie B. Lopez  
Print Name of Notary

My Commission Expires:

