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OFFICE OF THE GENERAL COUNSEL  
RICHARD D. MELSON  
GENERAL COUNSEL  
(850) 413-6199

Public Service Commission

July 13, 2004

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Ms. Natalie F. Smith  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408

**Re: Docket No. 040001-EI – Florida Power & Light Company’s Request for Confidential Classification of Certain Information Provided in Connection with Audit No. 04-023-4-1, filed on April 19, 2004**

Dear Natalie:

We have reviewed Florida Power & Light Company’s (FPL) April 19, 2004 filing and found one perceived deficiency. With regard to the following staff working papers, it appears that FPL has requested that employee job information as well as compensation information paid to employees and charged to the ratepayer be granted confidential classification on the basis that the information is sensitive contractual or competitive business information:

- WP 1, page 7 (audit report);
- WP 52, pages 1 and 6;
- WP 52-4, pages 1,2 and 3;
- WP 52-5, pages 1, 2, 3, 4, 5, 6, 7, 8, and 9;
- WP 52-6, pages 1, 2, and 3;
- WP 52-7, page 1;
- WP 52-8, page 1, 2, 3, 4, and 5;
- WP 52-8/1, page 1; and,
- WP 52-9, page 1.

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OTH \_\_\_\_\_

Section 366.093(3)(f), Florida Statutes, provides that “Proprietary confidential business information includes, but is not limited to: . . . (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.”

The Commission has found that charges and other information pertaining to utility operations concerning employee salaries, other compensation, names, duties, disciplinary reports, job qualifications, or job responsibilities are not eligible for confidential classification. See Order No. 24226, issued March 12, 1991, in Docket No. 900960-TL, In Re: Show Cause Proceeding Against

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PSC Website: <http://www.floridapsc.com>

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Ms. Natalie F. Smith

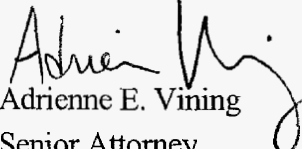
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Southern Bell Telephone and Telegraph Company for Misbilling Customers; Order No. PSC-92-1280-CFO-WS, issued November 10, 1992, in Docket No. 911188-WS, In Re: Application for a Rate Increase in Lee County by Lehigh Utilities, Inc.; Order No. PSC-95-0503-CFO-WS, issued April 24, 1995, in Docket No. 950318-WS, In Re: Request for Confidential Classification of Certain Material Requested as Part of the Florida Public Service Commission's Audit of Econ Utilities Corporation; Order No. PSC-96-0113-CFO-WS, issued January 19, 1996, in Docket No. 950495-WS, In Re: Application for Rate Increase and Increase in Service Availability Charges by Southern States Utilities, Inc. for Orange-Osceola Utilities, Inc.; Order No. PSC-96-0407-CFO-WS, issued March 21, 1996, in Docket No. 950495-WS.

Within 21 days from the date of this letter, FPL may revise its filing in response to the deficiency described in this letter, after which a recommendation will be prepared for the Prehearing Officer to rule on FPL's request. If you have any questions regarding this matter, I can be reached at (850) 413-6183 or [avining@psc.state.fl.us](mailto:avining@psc.state.fl.us).

Sincerely,

  
Adrienne E. Vining  
Senior Attorney

AEV/

cc: Division of Regulatory Compliance and Consumer Assistance (Freeman)