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July 21, 2004

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

**HAND DELIVERY**

RECEIVED-FPSC  
04 JUL 21 PM 3:31  
COMMISSION  
CLERK

Re: Docket No. 030623-EI

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket on behalf of Florida Power & Light Company ("FPL") are the original and fifteen copies of FPL's Stipulated Motion To Re-File Its Direct Testimony and FPL's Motion to Withdraw Notice of Intent.

Please acknowledge receipt of these documents by stamping the extra copy of this letter filed and returning the copy to me.


Thank you for your assistance with this filing.

Sincerely,

  
Stephen Menton

CMP \_\_\_\_\_  
COM 3  
CTR \_\_\_\_\_  
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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

Complaints by Southeastern Utility Services, )  
Inc. on behalf of various customers, against ) **Docket No. 030623-EI**  
Florida Power & Light Company concerning )  
thermal demand meter error ) **Dated: July 21, 2004**  
\_\_\_\_\_ )

**FLORIDA POWER & LIGHT COMPANY'S ("FPL")  
STIPULATED MOTION TO RE-FILE ITS DIRECT TESTIMONY AND FPL'S  
MOTION TO WITHDRAW NOTICE OF INTENT**

Pursuant to Rule 28-106.204, Florida Administrative Code, FPL files a Stipulated Motion to Re-file its Direct Testimony without highlighting or redacting the customer-specific data of the customers involved in this Docket ("Stipulated Motion") and Motion to Withdraw Notice of Intent filed July 12, 2004 ("Motion"), to protect such customer-specific data. In support of its Stipulated Motion and Motion, FPL states:

1. In accordance with the Order Establishing Procedure in the above-referenced docket, Order No. PSC-04-0581-PCO-EI (issued June 9, 2004), FPL filed and served, on July 12, 2004, the direct testimony and supporting documents of FPL witnesses Rosemary Morley and David Bromley. FPL filed one highlighted and two redacted versions of the direct testimony and supporting documents because the documents contained customer-specific data for which FPL has a corporate policy against disclosure without the consent of the customer. Concurrently with the filing of its direct testimony and supporting documents, FPL filed a Notice of Intent to Request Confidential Classification for the customer-specific data contained therein. Per the Internet filings listing, it appears the Commission assigned the highlighted documents Document Nos. 070586-04 and 07587-04.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLEAR

2. On the same day that FPL prefiled its direct testimony in this Docket, Ocean Properties, Ltd. (“Ocean Properties”), J.C. Penney Corp. (“J.C. Penney”), Dillard’s Department Stores, Inc. (“Dillard’s”) and Target Stores, Inc. (“Target”) (collectively referred to as “Customers”), filed their direct testimony. Upon review of the Customers’ direct testimony, it became apparent to FPL that the Customers had, through disclosing the customer-specific information in their filing, consented to the disclosure of their customer-specific information and waived any right of privacy they may have in such information.

3. On July 16, 2004, counsel for FPL consulted with counsel for Customers regarding the disclosure of the customer-specific data in Customers’ direct testimony. Counsel for Customers said FPL could represent to the Commission in a Stipulated Motion that Customers consented to the disclosure of its customer-specific data and to FPL’s re-filing of its direct testimony and exhibits without FPL highlighting, redacting, or otherwise seeking protection for such customer data. FPL hereby files such Stipulated Motion.

4. FPL believes it can no longer maintain that the customer-specific data disclosed by the Customers is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes, because the information has become public. Therefore, FPL respectfully requests that, by this Motion, the Pre-hearing Officer treat as withdrawn FPL’s Notice of Intent to seek confidential classification filed July 12, 2004, in the above-referenced Docket, and make available for return to FPL or otherwise destroy the highlighted and redacted documents filed with such Notice of Intent. The

documents filed with the July 12, 2004, Notice of Intent are not needed by the Commission to conduct its business. § 366.093(4), Fla. Stat.

WHEREFORE, for the foregoing reasons, FPL respectfully requests that the Pre-hearing Officer grant FPL's Stipulated Motion to Re-file Direct Testimony and FPL's Motion to Withdraw its July 12, 2004, Notice of Intent.

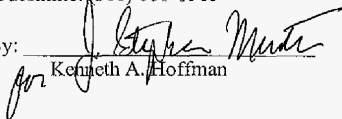
Respectfully submitted this 21st day of July, 2004.

Respectfully submitted,

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By: \_\_\_\_\_

  
for Kenneth A. Hoffman

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of Florida Power & Light Company's Stipulated Motion to Re-File its Direct Testimony and Motion to Withdraw Notice of Intent to Request Confidential Classification has been hand-delivered (\*) and has been furnished by United States Mail this 21st day of July, 2004, to the following:

✠

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By: 

Kenneth A. Hoffman