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FPL states that the material at issue contains information that is or is related to internal audit reports. FPL states that it treats all the material listed above as private. The company further states that the documents have not been disclosed and that no changes have occurred since the issuance of Order No. PSC-03-0892-CFO-EI to render the information no longer appropriate for confidential treatment. FPL requests an additional 18 months of confidential protection for this information.

Pursuant to section 119.01, Florida Statutes, documents submitted to this Commission are public records. The only exceptions to this law are specific statutory exemptions and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision.

Pursuant to section 366.093, any records received by the Commission which are found to be proprietary confidential business information shall be kept confidential and exempt from the public access requirements of section 119.07(1). Under section 366.093 and Rule 25-22.006, the petitioner has the burden of demonstrating that the materials qualify for confidential classification. Rule 25-22.006 requires the petitioner to demonstrate that the information falls into one of the categories set forth in section 366.093.

Section 366.093(3) defines “proprietary confidential business information” as

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 provides that the information will not be released to the public.

Section 366.093(3)(b) states that proprietary confidential business information includes “[i]nternal auditing controls and reports of internal auditors.”

Upon review, I find that the information set forth above contains the internal auditing controls and reports of the internal auditor. Accordingly, FPL's request for extension of confidential classification is hereby granted. The material listed above shall continue to have confidential protection for an additional 18 months.

FPL also requests that the material be returned to the company once the information is no longer needed by the Commission. Audit reports and related working papers, however, are retained by the Commission for a period of 25 years. If the company wishes to keep this information confidential after the additional 18 month period granted herein, it will need to seek another extension of time pursuant to section 366.093(4).


Based on the foregoing, it is

ORDERED by Commissioner Charles M. Davidson, as Prehearing Officer, that Florida Power & Light Company's Second Request for Extension of Confidential Classification Granted by Order No. PSC-03-0892-CFO-EI is hereby granted for a period of 18 months from the issuance date of this Order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the expiration of the confidentiality time period. It is further

ORDERED that this docket shall be closed.

By ORDER of Commissioner Charles M. Davidson, as Prehearing Officer, this 23rd day of March, 2005



CHARLES M. DAVIDSON  
Commissioner and Prehearing Officer

( S E A L )

SMC

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

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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.

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; or (2) 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.