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May 2, 2005

VIA HAND DELIVERY

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

Re: Docket No. 050002-EG
Energy Conservation Cost Recovery Clause

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Request for Confidential Classification Regarding Confidential Information Required to be Filed as Part of True-Up Filing together with a diskette containing the electronic version of same. Please note that the original copy of the request has an Attachment, Attachment A, that contains CONFIDENTIAL INFORMATION. Therefore, FPL is filing the original request in a separate envelope stamped CONFIDENTIAL. The remaining copies of the request do not contain Attachment A or any other confidential information.

In its request, FPL seeks confidential classification of the confidential information contained in Appendix A, page 1-A, to Exhibit KG-1 and portions of Schedule CT-6 to Exhibit KG-1, which is being filed with the Commission today. FPL has to file this information with the Commission to comply with Rule 25-17.015(5), Florida Administrative Code, and Order No. PSC-05-0277-PCO-EG. However, to avoid damaging public disclosure, FPL has filed its Request for Confidential Classification and provided in Exhibit KG-1 redacted copies of Schedule CT-6 and Appendix A, page 1-A.

Please contact me if you or your Staff have any questions regarding this filing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Natalie F. Smith', written over a horizontal line.

Natalie F. Smith

NFS:ec
Enclosures

DOCUMENT NUMBER-DATE

04278 MAY-2 2005

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Energy Conservation Cost)
Recovery Clause)

)

Docket No. 050002-EG
Filed: May 2, 2005

**FLORIDA POWER & LIGHT COMPANY’S REQUEST FOR CONFIDENTIAL
CLASSIFICATION REGARDING CONFIDENTIAL INFORMATION REQUIRED TO
BE FILED AS PART OF TRUE-UP FILING**

Pursuant to Florida Administrative Code Rule 25-22.006 and Section 366.093, Florida Statutes, Florida Power & Light Company (“FPL”) requests confidential classification of portions of Schedule CT-6 and Appendix A, page 1-A, to Exhibit KG-1 filed this day with the Commission in Docket No. 050002-EG. FPL further requests that if Schedule CT-6 and Appendix A, page 1-A, to Exhibit KG-1 are admitted into the record in this proceeding, that the Commission determine that FPL has shown good cause to maintain confidential classification for the confidential information in Schedule CT-6 and Appendix A, page 1-A, for a period of thirty-six months. As grounds for this request, FPL states:

1. Rule 25-17.015(5), Florida Administrative Code, requires that when a conservation advertisement for which a utility seeks conservation cost recovery “makes a specific claim of potential energy savings or states appliance efficiency ratings or savings, all data sources and calculations used to substantiate these claims must be included in the [true-up] filing....”

2. FPL is filing contemporaneously with this request its true-up filing, and FPL is seeking cost recovery of advertising expenses for advertisements which make specific claims of energy savings. Consequently, in Appendix A, page 1-A, to Exhibit KG-1, the exhibit attached

to the Testimony of FPL witness Ken Getchell, FPL has included all the data sources necessary to satisfy this rule requirement.

3. FPL is also filing in its true-up filing cost-effectiveness runs performed for specific customers who qualified for incentives under FPL's Commercial/Industrial Business Custom Incentives ("C/I BCI") Program. This is included as part of Schedule CT-6 of Exhibit KG-1, the exhibit attached to the Testimony of FPL witness Ken Getchell. This inclusion of customer-specific cost-effectiveness runs in FPL's ECCR true-up filing is consistent with the requirements of Order No. PSC-93-0472-FOF-EG

4. Part of the information FPL has been required to file in Schedule CT-6 and Appendix A, page 1-A, to Exhibit KG-1 to comply with Rule 25-17.015(5) is confidential. This Request for Confidential Classification seeks (a) a Commission determination that certain information identified by FPL in Schedule CT-6 and Appendix A, page 1-A, to Exhibit KG-1 should be classified as confidential information and (b) the continued confidential classification of the information for thirty-six months if it is included in the record.

Justification of Confidential Classification

5. The information in Schedule CT-6 and Appendix A, page 1-A, to Exhibit KG-1 for which FPL seeks confidential classification is customer-specific information. FPL has a corporate policy not to disclose or release customer-specific information without the consent of the customer. The FPL customers referred to in this information have not consented to the release of its customer-specific information. In addition, much of the information for which FPL seeks confidential classification is confidential and proprietary to the customers, the release of which would harm the customers' business operations. This information may, in some instances, constitute trade secrets to the customers, and is certainly information relating to the customers'

competitive interests, the disclosure of which would impair the competitive business of the customers. Information of this nature is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes (2003). The Commission has previously determined that the type of information for which FPL seeks protection is proprietary confidential business information. *See, e.g.*, Order Nos. PSC-03-1198-CFO-EG, PSC-00-0628-CFO-EG.

6. To satisfy the requirements of Rule 25-17.006, FPL has prepared four Attachments to this request. Attachment A is a copy of Schedule CT-6 and Appendix A, page 1-A, to Exhibit KG-1 which has all the confidential information highlighted. Attachment B is a copy of Schedule CT-6 and Appendix A, page 1-A, to Exhibit KG-1 with the confidential information redacted. Attachment C is a line-by-line justification of the confidential status of the confidential information in Schedule CT-6 and Appendix A, page 1-A, to Exhibit KG-1. Attachment D is the affidavit of Kenneth Getchell explaining why the information FPL seeks to prevent from disclosure is confidential. Only the original copy of this request includes Attachments A-D. The remaining copies served upon the Commission and the parties include only Attachment C.

7. FPL is required to include in its true-up filing very detailed information that supports claimed energy savings in its conservation advertisements. At the time the rule amendment requiring the conservation advertising filing was adopted, it was recognized by every party to the rulemaking that the information was of interest only to the Staff of the Commission. Similarly, only the Staff has expressed an interest in knowing the names of customers qualifying for incentives in the C/I BCI Program. FPL has filed this confidential information so that the Staff of the Commission will have immediate access to the confidential information, but it has

served upon the parties to this proceeding redacted copies of the confidential information. Many of the parties to this proceeding clearly have no interest in the customer-specific, confidential information required to be filed pursuant to Rule 25-17.015(5). For instance, other electric utilities not serving such customers have no conceivable interest in this customer-specific information. Parties to the proceeding other than the Commission Staff desiring to review the confidential information filed with the Commission may follow the procedure set forth in Rule 25-17.006, Florida Administrative Code, by filing a petition to review and inspect the documents. This procedure minimizes the initial disclosure of confidential information, precludes parties not interested in receiving confidential information from having to undertake measures to prevent disclosure and provides a means by which those parties seeking to review the confidential information may seek review under terms necessary to prevent the disclosure of such information.

8. The information for which FPL seeks confidential classification shall continue to be confidential after 18 months. It will still be treated by FPL as confidential as a matter of policy, and the information regarding customers' electrical usage and electrical equipment will continue to be competitive information the disclosure of which may injure the customers' competitive interest even after 18 months. Therefore, FPL requests that the Commission rule, as permitted by Section 366.093, Florida Statutes, that the confidential information in Schedule CT-6 and Appendix A, page 1-A, to Exhibit KG-1 continue to be classified as confidential for a period of thirty-six months from the original confidential classification. At present it is not FPL's intent to offer Appendix A, page 1-A, to Exhibit KG-1 or the confidential portion of Schedule CT-6 to Exhibit KG-1 into evidence; FPL is filing Schedule CT-6 and Appendix A, page 1-A, only to satisfy the requirements of Rule 25-17.015(4), Florida Administrative Code,

and Order No. PSC-93-0472-FOF-EG. If Schedule CT-6 and Appendix A, page 1-A, are not admitted into evidence in this proceeding, FPL asks that the Commission require the return of Appendix A, page 1-A, and the confidential portion of Schedule CT-6 to FPL. However, if these advertisements become subject to dispute or the confidential information in Schedule CT-6 and Appendix A, page 1-A, is introduced into the record in this proceeding, FPL asks that the Commission determine that FPL has demonstrated good cause for the confidential information to continue to be classified as confidential for thirty-six months from the original classification.

WHEREFORE, FPL respectfully moves that the Commission (a) rule that the information identified by FPL as confidential in Schedule CT-6 and Appendix A, page 1-A, to Exhibit KG-1 filed on May 2, 2005, be given confidential classification by the Commission and be exempt from disclosure, and (b) that the confidential information in Schedule CT-6 and Appendix A, page 1-A, be returned to FPL after the close of this proceeding if not admitted into the record, and if Schedule CT-6 and Appendix A, page 1-A, are admitted into the record in this proceeding, that FPL has shown good cause for the confidential information in Schedule CT-6 and Appendix A, page 1-A, to continue to be classified as confidential for thirty-six months from the original classification.

Respectfully submitted,

R. Wade Litchfield, Senior Attorney
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Attorneys for Florida Power & Light Company

By: 

NATALIE F. SMITH

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Request For Confidential Classification Regarding Confidential Information Required To Be Filed As Part Of True-Up Filing with Attachment C was served by hand delivery (when indicated with an *) or mail this 2nd day of May, 2005 to the following:

Martha Carter Brown*
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By: 

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