

ORIGINAL

Marguerite Lockard

From: Kay Flynn
Sent: Wednesday, September 21, 2005 4:10 PM
To: Bob Freeman
Cc: Marguerite Lockard; Denise Vandiver; Jennifer Rodan
Subject: RE: request return of documents 07961-03 and 13003-03

Sounds good!

From: Bob Freeman
Sent: Wednesday, September 21, 2005 4:05 PM
To: Kay Flynn
Cc: Marguerite Lockard; Denise Vandiver; Jennifer Rodan
Subject: request return of documents 07961-03 and 13003-03

Thank for your update, Kaye

Documents 07961-03 and 13003-03, filed by FPL in their request for confidentiality concerning the 2002 Fuel Audit (Control No. 03-034-4-1) should be returned to the Company as they are no longer needed for conducting the Commission's business.

I have discussed this matter with Jennifer Rodan who was the attorney on the case and she concurs that the materials should be returned.

We will work with Legal to see if we can get "Return to Company" instructions in future audit confidentiality orders. We will also be glad to work with the Clerk's office in the future in these matters.

Thanks for the heads up, Marguerite and Kaye.

CMP _____
 COM _____
 CTR _____
 ECR _____
 GCL _____
 OPC _____
 RCA _____
 SCR _____
 SGA _____
 SEC /
 OTH Lockard

From: Kay Flynn
Sent: Wednesday, September 21, 2005 11:52 AM
To: Bob Freeman
Cc: Marguerite Lockard; Denise Vandiver
Subject: RE: Freeman's Comments -- Declassified Conf DNs

Bob, per the rule you cited, yes, staff can tell us at any time to return confidential material no longer needed. However, as you know, declassified company material is most always placed in its docket file UNLESS the order specifically says to return it to the company when declassified (as a few orders have directed) or we are told by staff at some point that the material may be returned to the source....in other words, we would need to be "directed" to return material to the source either by the order or by staff.

Kay

From: Bob Freeman
Sent: Wednesday, September 21, 2005 11:40 AM
To: Denise Vandiver; Marguerite Lockard; Kay Flynn
Subject: Freeman's Comments -- Declassified Conf DNs

Denise, Marguerite and Kaye

DOCUMENT NUMBER-DATE

09059 SEP 23 05

FPSO-COMMISSION CLERK

I add.

I believe it would be best if the company highlighted copy of audit materials is returned after a matter becomes declassified. For materials other than audit materials, another process might be better.

I note the redacted copy is retained after declassification. With staff's original working papers, the redacted copy, the commission's confidentiality order and the company pleading, the filing remains well defined. After declassification, return of the sensitive highlighted information meets the spirit of the Rule 25-22.006(9)(b),FAC.

"When confidential information is no longer needed for the Commission to conduct its business, the Commission shall order all persons holding such information to return it to the utility or the person providing the information."

As a concern, a company may misinterpret the return of its highlighted copy that the declassified staff originals audit working papers are somehow no longer available and may fail to pursue the a policy of reviewing every declassification. Nevertheless, it is the Company's responsibility to protect its materials. I believe it is the best result to return any sensitive documents whenever we can. Especially, when they are not needed.

From: Denise Vandiver
Sent: Wednesday, September 21, 2005 8:45 AM
To: Marguerite Lockard
Cc: Bob Freeman
Subject: RE: Declassified Conf DNs

I think our latest decision is that we don't need those and they can be returned to the company. If Bob has any additional information, I'm sure he'll let us know

From: Marguerite Lockard
Sent: Wednesday, September 21, 2005 8:38 AM
To: Denise Vandiver
Subject: Declassified Conf DNs

Hi Denise,

i am declassifying confidential documents & came across 2 of FPL's DNs that instead of putting in the docket file should be returned to them ????

DN 07961-03 - FPL (Butler) - (CONFIDENTIAL) Materials provided to FPSC staff in connection with audit (Audit Control No. 03-034-4-1). [x-ref. DNs 07539-03, 07540-03, and 13003-03]

DN 13003-03 - FPL (Butler) - (CONFIDENTIAL) Workpapers obtained by staff in connection with Audit Control No. 03-034-4-1. [x-ref. DNs 07539-03, 07540-03, and 07961-03]

Marguerite