



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: June 26, 2007
TO: Office of the Commission Clerk (Lockard, Cole)
FROM: Division of Regulatory Compliance and Consumer Assistance (Freeman, Vandiver) *F a*
RE: Docket 070001-EI, Recommendation to declassify Document Numbered 04160-07, pertaining to the audit report titled: 'Florida Power & Light Capacity Cost Recovery Clause Audit for the Historical Year Ended December 31, 2006', Audit Control No. 07-022-4-3

Please declassify Document No. 04160-07 and return it to the Bureau of Auditing.

At the May 9, 2007 audit exit conference for the audit report titled 'Florida Power & Light Capacity Cost Recovery Clause Audit for the Historical Year Ended December 31, 2006', the staff auditor provided FPL with a copy of one page of the audit report which was held in temporary confidential status. Subsequently, the staff filed that audit report page as confidential with the Clerk's Office on May 22, 2007 (Document 04160-07).

On May 30, 2006, FPL filed its request for confidentiality concerning the 2006 Capacity Audit and indicated it would not ask for confidential classification for information presented within the sensitive audit report page (Document 04160-07).

Rule 25-22.006(3)(a)2., Florida Administrative Code, provides that failure to request confidentiality for sensitive material within 21 days of the audit exit conference is a waiver of confidentiality for that information. More than 21 days have passed since the audit exit conference was held, and the utility has indicated that it would not request confidential classification for information within the staff audit report.

CMP _____ Therefore, we recommend the Clerk's Office declassify Document No. 04160-07 and return it to
COM _____ the Division of Regulatory Compliance and Customer Assistance.

CTR _____
ECR _____ CC: Division of Regulatory Compliance and Consumer Assistance (Welch)
GCL _____ Office of General Counsel (Bennett)

OPC _____
RCA _____
SCR _____
SGA _____

SEC _____
OTH *Manquerish*