



Jessica Cano  
Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 304-5226  
(561) 691-7135 (Facsimile)

December 14, 2007

**VIA OVERNIGHT DELIVERY**

Ms. Ann Cole  
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

RECEIVED-FPSC  
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COMMISSION  
CLERK

070002-EG

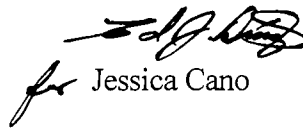
Re: Florida Power & Light's Third Request for Extension of Confidential  
Classification of Documents Provided in Energy Conservation Cost Recovery  
Clause Audit No. 02-064-4-1

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Third Request for Extension of Confidential Classification regarding confidential information provided pursuant to Staff's Energy Conservation Cost Recovery Clause Audit for the year ended December 31, 2002. The original includes Exhibit D. The seven (7) copies do not include the exhibit. A diskette with FPL's Request in Word format, excluding the exhibit, is also included.

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

Sincerely,

  
for Jessica Cano

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCLD diskette Enclosures forwarded
- OPC \_\_\_\_\_
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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Energy conservation cost )  
recovery clause )  
\_\_\_\_\_ )

Docket No: 070002-EG

Filed: December 14, 2007

**FLORIDA POWER & LIGHT COMPANY'S  
THIRD REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION**

**NOW BEFORE THIS COMMISSION**, through undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to Rule 25-22.006 of the Florida Administrative Code and Section 366.093 of the Florida Statutes, hereby submits its Third Request for Extension of Confidential Classification of certain material provided to the Florida Public Service Commission ("Commission") staff ("Staff") during the energy conservation cost recovery ("ECCR") clause audit of FPL for the year ending December 31, 2001 (Audit No. 02-064-4-1). In support of its request, FPL states as follows:

1. On February 27, 2006, FPL filed its Second Request for Extension of Confidential Classification of documents obtained by Staff in connection with Audit No. 02-064-4-1. By Order No. PSC-06-0558-CFO-EG, dated June 29, 2006, the Commission granted FPL's February 27, 2006 Request.

2. The period for confidential treatment granted by the Commission will soon expire. All of the information that was the subject of FPL's February 27, 2006 request continues to be confidential proprietary business information within the meaning of Section 366.093(3), Florida Statutes, and warrants continued confidential treatment. Accordingly, FPL hereby submits its Third Request for Extension of Confidential Classification.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

3. FPL incorporates herein by reference Exhibits A, B, and C from its initial request for confidential classification as revised and filed on October 10, 2002. Included herewith is Exhibit D, consisting of the affidavits of Kenneth Getchell and Robert Onsgard, which replaces Exhibit D from the February 27, 2006 Request.

4. FPL submits that the information previously provided in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. To the best of FPL's knowledge, the information has not been publicly disclosed. Pursuant to section 366.093, such information is entitled to confidential treatment and is exempt from the disclosure provisions of the public records law. Thus, once the Commission determines that the information in question is proprietary confidential business information, the Commission is not required to engage in any further analysis or review such as weighing the harm of disclosure against the public interest in access to the information.

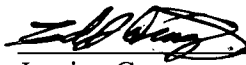
5. As the affidavits provided in Exhibit D indicate, certain information provided by FPL contains customer-specific account information. It is FPL's corporate policy not to disclose customer-specific information. This policy is premised upon customers' right to privacy and the potential that the disclosure of customer-specific account information may harm some customers' competitive interests, which is protected by 366.093(3)(e). The Commission has previously affirmed that customer-specific information constitutes confidential proprietary business information. Additionally, certain documents contains internal audit controls or reports or information relating to same, which is protected by 366.093(3)(b). Nothing has changed since the second request for an extension of confidential treatment was granted by Order No. PSC-06-0558-CFO-EG that would render the information stale or public such that continued confidential treatment would not be appropriate.

6. Upon a finding by the Commission that the material previously provided in Exhibit A warrants continued confidential treatment, such information should not be declassified for a period of at least eighteen (18) additional months. FPL further requests that the material be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business, pursuant to Section 366.093(4), Florida Statutes.

**WHEREFORE**, for the above and foregoing reasons, as more fully set forth in the supporting materials previously filed and the affidavits included herewith, Florida Power & Light Company respectfully requests that its Third Request for Extension of Confidential Classification be granted.

Respectfully submitted,

Wade Litchfield, Vice President and  
Associate General Counsel  
Jessica Cano  
Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420

By:   
*for* Jessica Cano  
Florida Bar No. 0037372

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Third Request for Extension of Confidential Classification, without exhibits, was served via U.S. mail this 14th day of December, 2007 to the following:

Katherine Fleming  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Office of Public Counsel  
Charles Beck, Esq.  
Patricia Christensen, Esq.  
c/o The Florida Legislature  
111 West Madison St., Room 812  
Tallahassee, FL 32399-1400

Beggs & Lane Law Firm  
Jeffrey Stone/Russell Badders/S.Griffin  
P.O. Box 12950  
Pensacola, FL 32591-2950

Florida Public Utilities Company  
Cheryl Martin  
P. O. Box 3395  
West Palm Beach, FL 33402-3395

Florida Industrial Power Users Group  
John W. McWhirter, Jr.  
c/o McWhirter Law Firm  
400 North Tampa Street, Suite 2450  
Tampa, FL 33602

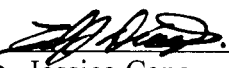
Ausley Law Firm  
Lee Willis/James Beasley  
P.O. Box 391  
Tallahassee, FL 32302

Gulf Power Company  
Ms. Susan D. Ritenour  
One Energy Place  
Pensacola, FL 32520-0780

Tampa Electric Company  
Paula K. Brown  
Administrator, Regulatory Coordination  
P. O. Box 111  
Tampa, FL 33601-0111

Messer Law Firm  
Norman H. Horton, Jr.  
P.O. Box 15579  
Tallahassee, FL 32317

Progress Energy Florida, Inc.  
John T. Burnett  
P.O. Box 14042  
St. Petersburg, FL 33733-4042

By:   
Jessica Cano  
Florida Bar No. 0037372

# **Exhibit D**

## **AFFIDAVITS**

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In The Matter of Florida Power & Light Company's ) DOCKET NO. 070002-EG  
Third Request for Extension of Confidential )  
Classification Granted by Order No. )  
PSC-06-0558-CFO-EG in Docket No. 060002-EG )

STATE OF FLORIDA )  
 ) **AFFIDAVIT OF ROBERT ONSGARD**  
COUNTY OF MIAMI-DADE )

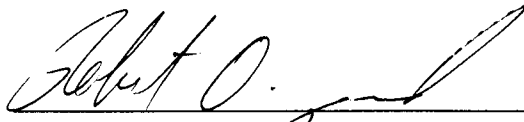
**BEFORE ME**, the undersigned authority, personally appeared Robert Onsgard who, being first duly sworn, deposes and says:

1. My name is Robert Onsgard. I am currently employed by Florida Power & Light Company ("FPL") as Manager, Internal Auditing. I have personal knowledge of the matters stated in this affidavit.

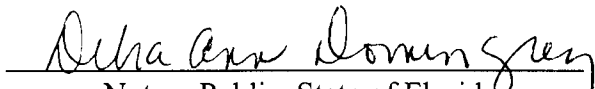
2. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as affiant that are included in Exhibit A to FPL's Request for Confidential Classification of materials provided pursuant to Audit No. 02-064-4-1. Such documents or materials that I have reviewed and which, in whole or in part, are asserted by FPL to be proprietary confidential business information, contain or constitute internal auditing controls and reports of internal auditors or information relating to same. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for an additional period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

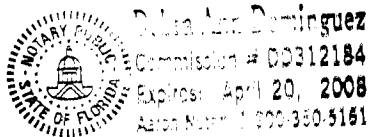
4. Affiant says nothing further.

  
\_\_\_\_\_  
Robert Onsgard

**SWORN TO AND SUBSCRIBED** before me this 12 day of December 2007, by Robert Onsgard, who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification and who did take an oath.

  
\_\_\_\_\_  
Notary Public, State of Florida

My Commission Expires: April 20, 2008



**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In The Matter of Florida Power & Light Company's ) DOCKET NO. 070002-EG  
Third Request for Extension of Confidential )  
Classification Granted by Order No. )  
PSC-06-0558-CFO-EG in Docket No. 060002-EG )

STATE OF FLORIDA )  
MIAMI-DADE COUNTY )

**AFFIDAVIT OF KENNETH GETCHELL**

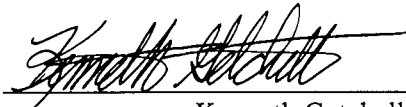
**BEFORE ME**, the undersigned authority, personally appeared Kenneth Getchell who, being first duly sworn, deposes and says:

1. My name is Kenneth Getchell. I am currently employed by Florida Power & Light Company ("FPL") as a Budget and Regulatory Support Manager. I have personal knowledge of the matters stated in this affidavit.

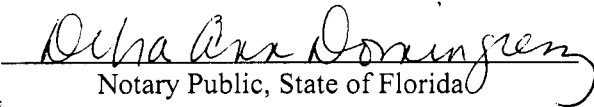
2. I have reviewed Exhibit C and the documents which are included in Exhibit A to FPL's Request for Confidential Classification of Information Obtained in Connection with Audit No. 02-064-4-1. The document and materials that I have reviewed and that FPL asserts in Exhibit C to be proprietary confidential business information contain or constitute customer-specific account information. FPL has a corporate policy not to disclose customer-specific information. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh and bills. FPL treats such information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer absent the customer's consent.

3. Consistent with the provisions of the Florida Administrative Code, such materials should continue to remain confidential for an additional period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can maintain the confidentiality of these documents.

4. Affiant says nothing further.

  
\_\_\_\_\_  
Kenneth Getchell

**SWORN TO AND SUBSCRIBED** before me this 11 day of December 2007, by Kenneth Getchell, who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification and who did take an oath.

  
\_\_\_\_\_  
Notary Public, State of Florida

My Commission Expires: April 20, 2008

 Debra Ann Dominguez  
Commission # DD312184  
Expires: April 20, 2008  
Address: 1-800-350-5161