

Dorothy Menasco

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**From:** Cano, Jessica [Jessica.Cano@fpl.com]  
**Sent:** Friday, July 11, 2008 2:58 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Beth Shankle-Anderson  
**Subject:** Electronic Filing for Docket No. 011403-EI / FPL's Amended Fourth Request for Extension of Confidential Classification  
**Attachments:** Amended 4th Request for Extension of Confidential Classification; Dkt. No. 011403-EI.doc; Revised Exhibit C, Dkt. 011403-EI.doc

**Electronic Filing**

**a. Person responsible for this electronic filing:**

Jessica A. Cano, Esq.  
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Juno Beach, FL 33408  
(561) 304-5226  
[Jessica\\_Cano@fpl.com](mailto:Jessica_Cano@fpl.com)

**b. Docket No. 011403-EI: Request for Fourth Extension of Confidential Classification**

**c. Documents are being filed on behalf of Florida Power & Light Company.**

**d. There are a total of 5 pages in the attached Amended Request and 2 pages in the attached Revised Exhibit C.**

**e. The documents attached for electronic filing are Florida Power & Light Company's Amended Fourth Request for Extension of Confidential Classification and Revised Exhibit C.**

Sincerely,  
Jessica Cano

SEARCHED.....  
SERIALIZED.....  
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JUL 11 2008  
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7/11/2008

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FPSC-COMMISSION CLERK

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In the matter of Florida Power & Light Company's )  
Request for Extension of Confidential Classification)  
Granted by Order No. PSC-06-0980-CFO-EI )

Docket No. 011403-EI

Filed: July 11, 2008

**AMENDED FOURTH REQUEST  
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION  
GRANTED BY ORDER NO. PSC-06-0980-CFO-EI**

**NOW, BEFORE THE 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 Amended Fourth Request for Extension of Confidential Classification Granted by Order No PSC-06-0980-CFO-EI of the Florida Public Service Commission ("FPSC" or "Commission"), issued in Docket No. 011403-EI, in connection with certain materials obtained pursuant to Audit Control No. 01-073-4-1 (the "Audit"). In support of its Request, FPL states as follows:

1. FPL's address is 9250 West Flagler Street, Miami, Florida 33174. Orders, notices, or other pleadings related to this request should be served on:

Jeffrey S. Bartel  
Vice President, Regulatory Affairs  
Florida Power & Light Company  
215 S. Monroe Street  
Suite 810  
Tallahassee, FL 32301  
Tel: 850-521-3910

R. Wade Litchfield  
Vice President and Associate General Counsel  
Jessica A. Cano  
Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Tel: 561-304-5226

2. On October 29, 2001, FPL filed with the Commission its Request for Confidential Classification of certain materials obtained during the Audit. FPL's initial filing consisted of the

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Request for Confidential Classification and Exhibits A through D. FPL's initial request was granted by Order No. PSC-01-2339-CFO-EI.

3. FPL's First and Second Requests for Extension of Confidential Classification were granted by Order No. PSC-03-0892-CFO-EI and Order No. PSC-05-0332-CFO-EI, respectively. FPL's Third Request for Extension of Confidential Classification was granted by Order No. PSC-06-0980-CFO-EI on November 28, 2006.

4. On May 27, 2008, FPL filed its Fourth Request for Extension of Confidential Classification along with Exhibit D, containing the affidavit of Robert Onsgard.

5. FPL incorporates herein by reference Exhibits A and B from its October 29, 2001 filing. FPL also incorporates Exhibit D included with its original Fourth Request for Extension of Confidential Classification, containing the Affidavit of Robert Onsgard. FPL's Revised Exhibit C dated July 11, 2008 is included herewith and incorporated by reference.

6. FPL's original Fourth Request for Extension of Confidential Classification requested continued confidential treatment of all confidential information previously identified as such in its previous filings. Upon further examination, FPL has determined that certain information no longer requires confidential treatment. Accordingly, FPL is submitting its Amended Fourth Request for Extension of Confidential Classification to reduce the number of documents for which confidential treatment is sought. The information identified as confidential in FPL's Revised Exhibit C included herewith, however, continues to be proprietary and confidential business information with the meaning of section 366.093, Florida Statutes, as described below.

7. As supported by the affidavit provided in Exhibit D on May 27, 2008, the information at issue contains or constitutes internal auditing controls and reports of internal

auditors. This information is expressly protected by Florida statute. Section 366.093(3), Florida Statutes, exempts confidential proprietary business information from public disclosure. Section 366.093(3)(b) defines confidential proprietary business information as “internal auditing controls and reports of internal auditors.” Section 366.093(4) explains that an extension of confidential treatment will be allowed if “the public utility or affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.” All the documents identified as confidential in FPL’s Revised Exhibit C continue to contain information related to or consisting of internal auditing controls and reports of internal auditors. Accordingly, an extension of confidential treatment is warranted.

8. Unlike other categories of confidential information protected by Section 366.093(3), Florida Statutes, such as trade secrets or competitively sensitive information, internal auditing controls and reports of internal auditors do not have the same potential to become stale or irrelevant with the passage of time. The continuous confidential status of internal auditing reports encourages full disclosure to internal auditors and enables the Internal Auditing Department to perform its role. The release of information containing internal auditing reports or findings would be harmful to FPL because it may affect the effectiveness of the Internal Auditing Department itself and be counterproductive to other current and future internal audits.

9. This information is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. Pursuant to Section 366.093, such materials are entitled to confidential treatment and are 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.

10. Accordingly, FPL requests that the information identified in its Revised Exhibit C be accorded confidential classification for an additional eighteen-month period. FPL further requests that the information be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business.

**WHEREFORE**, for the above and foregoing reasons, as more fully set forth in the supporting materials incorporated herein by reference, Florida Power & Light Company respectfully requests that its Amended Fourth Request for Extension of Confidential Classification be granted.

Respectfully submitted,

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

By: s/ Jessica A. Cano  
Jessica A. Cano  
Fla. Bar No. 0037372

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically this 11th day of July, 2008, to the following:

Beth Shankle-Anderson  
Office of the General Counsel  
Florida Public Service Commission  
Office of General Counsel  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

By: s/ Jessica A. Cano  
Jessica A. Cano  
Florida Bar No. 0037372