



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-

RECEIVED-FPSC
08 AUG 12 AM 11:52
COMMISSION CLERK

DATE: August 12, 2008

TO: Office of the Commission Clerk (McLean, Cole)

FROM: Division of Regulatory Compliance and Consumer Assistance (Freeman, Vandiver)

RE: Docket 080001-EI, Recommendation to declassify pages 5,7 and 8 of Document Numbered 05005-08, pertaining to the audit report titled: 'Florida Power & Light Capacity Cost Recovery Clause Audit for the Historical Year Ended December 31, 2007', Audit Control No. 08-003-4-3

Please declassify pages 5,7 and 8 of Document Numbered 05005-08 and return the material to the Bureau of Auditing.

At the June 8, 2008 audit exit conference for the audit titled 'Florida Power & Light Capacity Cost Recovery Clause Audit for the Historical Year Ended December 31, 2007', the staff auditor provided FPL with a copy of the sensitive portions of the audit report. Subsequently, the staff filed portions of that audit report as confidential with the Clerk's Office on June 11, 2008 (Document 05005-08).

On June 27, 2008, FPL filed its request for confidentiality concerning the 2007 Capacity Cost Recovery Clause Audit and indicated it would not ask for confidential classification for information presented within audit report pages 5,7 and 8 (Document 05625-08, Exhibit C, page 1 of 5).

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 pages 5,7 and 8 of the staff audit report.

Therefore, we recommend the Clerk's Office declassify pages 5,7 and 8 of Document No. 05005-08 and return the audit report pages to the Division of Regulatory Compliance.

- COM _____
- ECR _____
- GCL _____
- OPC _____ CC: Division of Regulatory Compliance (Welch)
- RCP _____ Office of General Counsel (Bennett)
- SSC _____
- SGA _____
- ADM _____
- CLK McLean

DOCUMENT NUMBER-DATE

07129 AUG 12 08

FPSC-COMMISSION CLERK