

State of Florida



RECEIVED-FPSC  
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COMMISSION  
CLERK

# 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:** October 10, 2008

**TO:** Martha Brown, Attorney, Office of General Counsel *F* *W*

**FROM:** Division of Regulatory Compliance (Freeman, Vandiver)

**RE:** Docket 080007-EI, Recommendation concerning Florida Power & Light Company's (FPL's) request for confidential classification concerning a portion of the staff audit working papers prepared during "Florida Power & Light Environmental Cost Recovery Clause Audit for the Historical Year Ended December 31, 2007", Audit Control No. 08-029-4-1, Documents Numbered 06388-08 and 06762-08

On July 11, 2008, when copies of certain portions of staff's audit working papers obtained or prepared during the "Florida Power & Light Environmental Cost Recovery Clause Audit for the Historical Year Ended December 31, 2007", were delivered to FPL at the audit exit conference, the utility requested that these materials be temporarily exempted from public access in accordance with provisions of Rule 25-22.006(3)(a)2., Florida Administrative Code (FAC).

On July 23, 2008, staff filed document numbered 06388-08 consisting of those specified portions of the staff's audit report and working papers.

On August 1, 2008, FPL filed a request pursuant to Section 366.093, Florida Statutes (F.S) and Rule 25-22.006, FAC, that selected portions of the working papers prepared by the staff during the audit receive a confidential classification. The utility's request included redacted copies for public inspection (Document No. 06763-08) and copies with the sensitive material highlighted (Document 06762-08).

Documents numbered 06388-08 and 06762-08 are currently held by the Office of the Commission Clerk as confidential pending resolution of FPL's request for confidential classification.

Pursuant to Section 119.07, F.S., documents submitted to this Commission are public records.

**COM** The only exceptions to this law are specific statutory exemptions and exemptions granted by  
**ECR** governmental agencies pursuant to the specific items of a statutory provision. Subsections  
**GCL** 366.093(3)(b)(d) and (e), F.S., provide the following exemptions.

- OPC** \_\_\_\_\_
- RCP** \_\_\_\_\_
- SSC** \_\_\_\_\_
- SGA** \_\_\_\_\_
- ADM** \_\_\_\_\_
- CLK** *McLean*

DOCUMENT NUMBER-DATE

09618 OCT 10 08

FPSC-COMMISSION CLERK

Subsection 366.093(3), F.S., provides; *“Proprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person’s or company’s business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. Proprietary confidential business information includes but is not limited to:*

....

*(b) Internal auditing controls and reports of internal auditors.*

....

*(d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms.*

*(e) Information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider of the information....”*

According to Section 366.093, F.S., and Rule 25-22.006, FAC, the utility has the burden of demonstrating that materials qualify for confidential classification. According to Rule 25-22.006, FAC, the utility must meet this burden by demonstrating that the information is proprietary confidential business information, the disclosure of which will cause the utility, the provider of the information or the ratepayer harm.

### **Staff Analysis of the Request**

Reading the filing reveals the sensitive material consists of:

#### 1. Internal Auditing Controls and Reports of Internal Auditors

By way of an affidavit, Robert Onsgard, FPL Manager, Internal Auditing, identifies information reporting internal auditing information within the staff working paper titled: “List of Internal Audits.”

Section 366.093(3)(b), Florida Statutes, provides the Commission may grant information pertaining to internal auditing controls and reports of internal auditors a confidential classification. We have read the material identified by Mr. Onsgard and agree it reports sensitive information relating to the utility’s internal auditing programs. We therefore recommend this material be granted a confidential classification.

October 10, 2008  
Florida Power and Light Request

**Staff Analysis of the Request (continued)**

2. Contractual Information such as Pricing and Other Terms.

By way of an affidavit, Roger F. Messer, FPL Director, Environmental Services, identifies sensitive contractual information as well as sensitive competitive business information within the staff's working papers titled: "Testing of Cash Vouchers", "Testing of Journal Vouchers", and "Journal Entries." Further, Mr. Messer asserts release of this contractual information would impair the efforts of FPL to contract for goods and services on favorable terms and could also impair the competitive business of FPL and its vendors.

Pursuant to the provisions of Section 366.093(3)(d), F.S., the Commission may grant a confidential classification to sensitive contractual information if release would impair the ability of the utility or its affiliates to contract favorably for goods and services. Pursuant to the provisions of Section 366.093(3)(e), F.S., the Commission may grant a confidential classification to sensitive competitive business information if release would harm the provider of the information.

We have read the information identified by Mr. Messer and agree it is sensitive contractual and competitive business information; therefore, we recommend that this material be granted a confidential classification.

**Information Held as Confidential**

To qualify as proprietary confidential business information, the material must also be held as private and not released to the public. FPL asserts that this sensitive information meets the statutory restrictions necessary for the material to be provided a confidential classification and asserts that the information has not been disclosed to the Public. Further, Mr. Onsgard and Mr. Messer, FPL employees, assert FPL has maintained the confidentiality of these materials.

**Duration of the Confidential Classification Period**

FPL requests that this material be held as confidential for at least 18 months and that this material should be returned to FPL once the information is no longer needed for the Commission to conduct its business.

According to the provisions of Section 366.093(4), F.S., absent good cause shown, confidential classification is limited to 18 months. Without cause shown for a longer period, we recommend that the period of confidential classification be set as 18 months. As deemed necessary, the utility may request an extension of the confidential classification before the period tolls.

**Staff Recommendation**

Based upon reading the filing, and for the reasons presented above, we recommend the utility's request be granted and that the identified material be granted a confidential classification for 18 months.

A detailed recommendation follows:

**Detailed Recommendation**

Staff Work Paper Number	Description	Page(s)	Line(s)	Recommend	Type of Information
Documents 06388-08 and 06762-08					
9	List of Internal Audits	1	Col. B	Grant	Internal Auditing Materials
43-3/1	Testing of Cash Vouchers	1	26,34	Grant	Sensitive Contractual and Competitive Business Information
43-3/1	Testing of Cash Vouchers	2	4,53	Grant	Sensitive Contractual and Competitive Business Information
43-3/1	Testing of Cash Vouchers	3	3,27,55	Grant	Sensitive Contractual and Competitive Business Information
43-3/1	Testing of Cash Vouchers	4	19,47,56	Grant	Sensitive Contractual and Competitive Business Information
43-3/1	Testing of Cash Vouchers	5	9,17,33,41	Grant	Sensitive Contractual and Competitive Business Information
43-3/1	Testing of Cash Vouchers	6	21,41,50	Grant	Sensitive Contractual and Competitive Business Information
43-3/1	Testing of Cash Vouchers	7	21,49	Grant	Sensitive Contractual and Competitive Business Information
43-3/1	Testing of Cash Vouchers	8	9,17	Grant	Sensitive Contractual and Competitive Business Information
43-3/1	Testing of Cash Vouchers	9	5,19,36,41	Grant	Sensitive Contractual and Competitive Business Information
43-3/1	Testing of Cash Vouchers	10	35	Grant	Sensitive Contractual and Competitive Business Information
43-3/1	Testing of Cash Vouchers	11	9,34,42	Grant	Sensitive Contractual and Competitive Business Information

Staff Work Paper Number	Description	Page(s)	Line(s)	Recommend	Type of Information
Documents 06388-08 and 06762-08					
43-3/1	Testing of Cash Vouchers	15	30,36,41,49	Grant	Sensitive Contractual and Competitive Business Information
43-3/1	Testing of Cash Vouchers	16	55	Grant	Sensitive Contractual and Competitive Business Information
43-3/1	Testing of Cash Vouchers	17	17,25	Grant	Sensitive Contractual and Competitive Business Information
43-4/1	Testing of Journal Vouchers	1	3	Grant	Sensitive Contractual and Competitive Business Information
43-4/1	Testing of Journal Vouchers	2	55,59,64	Grant	Sensitive Contractual and Competitive Business Information
43-5	Journal Entries	2	7-12,23-26	Grant	Sensitive Contractual and Competitive Business Information
43-5	Journal Entries	3	7-14,17	Grant	Sensitive Contractual and Competitive Business Information
43-5	Journal Entries	4	14-20	Grant	Sensitive Contractual and Competitive Business Information
43-5	Journal Entries	5	12,17,19,29,35	Grant	Sensitive Contractual and Competitive Business Information
43-5	Journal Entries	6	7-10,16,20,29	Grant	Sensitive Contractual and Competitive Business Information
43-5	Journal Entries	7	7-10,16,20,29	Grant	Sensitive Contractual and Competitive Business Information

A temporary copy of this recommendation will be held at I:06762-08 FPL 2007 environmental raf.doc for a short period.

CC: Division of Regulatory Compliance (Welch)  
Office of the Commission Clerk (McLean, Cole)



**FLORIDA PUBLIC SERVICE COMMISSION**

***DIVISION OF REGULATORY COMPLIANCE AND  
CONSUMER ASSISTANCE  
BUREAU OF AUDITING***

***Miami District Office***

**Florida Power and Light Company  
Environmental Cost Recovery Clause**

**Twelve Months Ended December 31, 2007**

**DOCKET #080007-EI  
AUDIT CONTROL NO. 08-029-4-1  
Report Issued  
July 10, 2008**

Handwritten signature of Gabriela Leon in cursive script.

**Gabriela Leon  
Audit Manager**

Handwritten signature of Yen Ngo in cursive script.

**Yen Ngo  
Regulatory Analyst**

Handwritten signature of Kathy L. Welch in cursive script.

**Kathy L. Welch  
Public Utility Supervisor**

DOCUMENT NUMBER-DATE

06447 JUL 24 08

FPSC-COMMISSION CLERK

COMMISSIONERS:  
MATTHEW M. CARTER II, CHAIRMAN  
LISA POLAK EDGAR  
KATRINA J. MCMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK  
ANN COLE  
COMMISSION CLERK  
(850) 412-6770

2008 AUG -4 PM 3:23

DIVISION OF  
COMPETITIVE SERVICES

Public Service Commission

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

2008-100

DATE: August 4, 2008

TO: OFFICE OF THE GENERAL COUNSEL  
DIVISION OF SERVICE, SAFETY & CONSUMER ASSISTANCE  
DIVISION OF ECONOMIC REGULATION  
XX DIVISION OF REGULATORY COMPLIANCE  
OFFICE OF STRATEGIC ANALYSIS AND GOVERNMENTAL AFFAIRS

FROM: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCUMENT NO(s): 06762-08

DESCRIPTION: FPL (Butler) - (CONFIDENTIAL) Information provided to staff in connection with audit of FPL's environmental cost recovery clause (Audit Control No. 08-029-4-1). [x-ref. DN 06388-08]

SOURCE: Florida Power & Light Company

DOCKET NO(S): 080007-EI

The above material was received with a request for confidential classification. Please prepare a recommendation for the attorney assigned to the case by completing the section below and forwarding a copy of this memorandum, together with a brief memorandum supporting your recommendation, to the attorney. Copies of your recommendation should also be provided to the Division of the Commission Clerk and Administrative Services, Bureau of Records and Hearing Services, and to the Office of General Counsel.

**Please read each of the following and check if applicable.**

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
  - (a) Trade secrets;
  - (b) Internal auditing controls and reports of internal auditors;
  - (c) Security measures, systems, or procedures;
  - (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company to contract for services on favorable terms;
  - (e) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
  - (f) Tax returns or tax-related information;
  - (g) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.
- The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
- The material appears not to be confidential in nature.
- The material is a periodic or recurring filing and each filing contains confidential information.

Response prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

cc:  GCL       FLL  
 CMP       CLK  
 ECR       RCA





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COMPETITIVE SERVICES

John T. Butler  
Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 304-5639  
(561) 691-7135 (Facsimile)  
e-mail: john.butler@fpl.com

August 1, 2008

-VIA HAND DELIVERY -

Ms. Ann Cole  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

RECEIVED--FPSC  
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COMMISSION  
CLERK

Re: **Docket No. 080007-EI**  
**Audit control No. 08-029-4-1**  
**Environmental Cost Recovery Clause**

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's Request for Confidential Classification of Information Provided Pursuant to Audit No. 08-029-4-1 together with a diskette containing the electronic version of same. Also included is a computer diskette containing the electronic version of FPL's Request for Confidential Classification and Exhibit C in Word. The enclosed diskette is HD density, the operating system is Windows XP, and the word processing software is Word. Pursuant to Rule 25-22.006, F.A.C., I am also enclosing one highlighted and two redacted copies of the confidential documents that are the subject of this request.

If there are any questions regarding this transmittal, please contact me at 561-304-5639.

- COM \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL 1+cd
- OPC \_\_\_\_\_
- RCP** \_\_\_\_\_
- SSC \_\_\_\_\_ Enclosure
- SGA \_\_\_\_\_ cc: Counsel of record (w/encl.)
- ADM \_\_\_\_\_
- CLK 1

Sincerely,

John T. Butler

DOCUMENT NUMBER-DATE

06761 AUG-1 8

FPSC-COMMISSION CLERK

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Environmental cost )  
recovery clause. )  
 )  
\_\_\_\_\_ )

DOCKET NO. 080007-EI  
FILED: August 1, 2008

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION  
PROVIDED PURSUANT TO AUDIT NO. 08-029-4-1**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain information provided to the Florida Public Service Commission ("FPSC" or "Commission") staff ("Staff") in connection with its audit of FPL's Environmental Cost Recovery Clause (Audit Control No. 08-029-4-1; hereinafter the "ECRC Audit") in this docket. In support of its Request, FPL states as follows:

1. During the ECRC Audit, Staff requested access to various FPL reports and other documents, portions of which became working papers of the auditors. By letter dated [REDACTED] 2008, Staff indicated its intent to retain certain working papers for which confidential treatment previously had been requested (the "Working Papers"). Pursuant to Rule 25-22.006(3)(a), FPL was given 21 days from the date of that letter, or until August 1, 2008, to file a formal request for confidential classification with respect to the Working Papers. This Request is intended to request confidential classification of the confidential portions of the Working Papers consistent with Rule 25-22.006(3)(a).

2. The following exhibits are included with and made a part of this request:

a. Composite Exhibit A consists of copies of the Working Papers, on which all information that FPL asserts is entitled to confidential treatment has been highlighted. Composite Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

b. Composite Exhibit B consists of an edited version of Exhibit A on which all information FPL asserts is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing a line-by-line and page-by-page identification of the information for which confidential classification is sought, and, with regard to each document or portions thereof, references to the specific statutory basis or bases for the claim of confidentiality and to the affidavits in support of the requested classification.

d. Exhibit D is comprised of the affidavits of Roger Messer and Robert Onsgard.

3. ~~FPL seeks confidential protection for the information highlighted in Exhibit A. The highlighted information is proprietary confidential business information within the meaning of section 366.093(3). The information is intended to be, and has been, treated by FPL as confidential.~~

4. Pursuant to Section 366.093, the information highlighted in Exhibit A 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. The statutory bases for FPL's assertion of confidentiality with regard to each document or portion thereof are set forth in Exhibit C under the column titled "FLORIDA

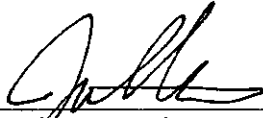
STATUTE 366.093(3).” The letters in that column refer to the subsection(s) of Section 366.093(3) that provide justification for FFL’s request. Further support for FPL’s request for confidential classification of the referenced information is provided through the affidavits that are included as Exhibit D to this Request.

6. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, is proprietary confidential business information, ~~the information should not be declassified for a period of at least eighteen (18) months and should be returned to FPL as soon as~~ the information is no longer necessary for the Commission to conduct its business. *See* § 366.093(4).

**WHEREFORE**, for the foregoing reasons, Florida Power & Light Company respectfully requests that this Request be granted.

Respectfully submitted,

R. Wade Litchfield, Esq.  
Associate General Counsel  
John T. Butler, Esq.  
Senior Attorney  
Law Department  
Florida Power & Light Company  
700 Universe Blvd.  
Juno Beach, Florida 33408-0420  
Telephone: 561-5639  
Fax: 561-691-7135

By:   
\_\_\_\_\_  
John T. Butler  
Fla. Bar No. 283479

**CERTIFICATE OF SERVICE**

**Docket No. 080007-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification Information Provided Pursuant To Audit No. 08-029-4-1 (\*) has been furnished by hand delivery (\*\*) or U.S. Mail on this 1st day of August 2008, to the following:

Martha Brown \*\*  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Room 370P – Gunter Building  
Tallahassee, FL 32399-0850

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

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

Florida Industrial Power Users Group  
(McWhirter)  
John W. McWhirter, Jr.  
c/o McWhirter Reeves & Davidson  
P.O. Box 3350  
Tampa, FL 33601-3350

Florida Retail Federation  
100 East Jefferson Street  
Tallahassee, FL 32301

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

Hopping Law Firm  
G. Perko/C. Raeppe/V.Dailey/D. Roberts  
P.O. Box 6526  
Tallahassee, FL 32314


Young Law Firm  
R. Scheffel Wright/John LaVia, III  
P.O. Box 271  
Tallahassee, FL 32302

Progress Energy Florida, Inc.  
Paul Lewis, Jr.  
106 East College Avenue, Suite 800  
Tallahassee, FL 32301-7740

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

Progress Energy Florida, Inc. (Burnett)  
R. Alexander Glenn/John T. Burnett  
c/o Progress Energy Service Company  
P.O. Box 14042  
Saint Petersburg, FL 33733-4042

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

By:   
\_\_\_\_\_  
JOHN T. BUTLER  
Fla. Bar No. 283479

\* The exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.

# Exhibit C

080007-EI

## Justification Table

COM   
ECR   
GCE   
OPC   
RCP   
SSC   
SGA   
ADM   
CLK

DOCUMENT NUMBER-DATE

06764 AUG-1 88

FPSC-COMMISSION CLERK

### EXHIBIT C

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Work Papers  
**AUDIT:** FPL, Environmental Cost Recovery  
**AUDIT CONTROL NO:** 08-029-4-1  
**DOCKET NO.** 080007- EI

Work paper No.	Description	No. of Pages	Conf Y/N	Line No./Col No.	Florida Statute 366.093(3) Subsection	Affiant
9	List of Internal Audits	2	Y N	Pg. 1, Col. B Pg. 2	(b)	R. Onsgard
43-1	Summary of Expense	9	N			
43-2	Summary of Statistics	15	N			
43-3	List of Sample Items Cash Vouchers	13	N			
43-3/1	Testing of Cash Vouchers	17	Y Y Y Y Y Y Y Y Y Y Y Y N Y Y Y	Pg. 1, Lns. 26, 34 Pg. 2, Lns. 4, 53 Pg. 3, Lns. 3, 27, 55 Pg. 4, Lns. 19, 47, 56 Pg. 5, Lns. 9, 17, 33, 41 Pg. 6, Lns. 21, 41, 50 Pg. 7, Lns. 21, 49 Pg. 8, Lns. 9, 17 Pg. 9, Lns. 5, 19, 36, 41 Pg. 10, Ln. 35 Pg. 11, Lns. 9, 34, 42 Pgs. 12 -14 Pg. 15, Lns. 30, 36, 41, 49 Pg. 16, Ln. 55 Pg. 17, Lns. 17, 25	(d), (e)	R. Messer
43-4	List of Sample Items Journal Vouchers	27	N			
43-4/1	Testing of Journal Vouchers	2	Y Y	Pg. 1, Ln. 3 Pg. 2, Lns. 55, 59, 64	(d), (e)	R. Messer
43-5	Journal Entries	7	N Y Y Y Y Y	Pg. 1 Pg. 2, Lns. 7-12, 23-26 Pg. 3, Lns. 7-14, 17 Pg. 4, Lns. 14-20 Pg. 5, Lns. 12, 17, 19, 29, 35 Pg. 6, Lns. 7-10, 16, 20, 29 Pg. 7, Lns. 7-10, 16, 20, 29	(d), (e)	R. Messer



# Exhibit D

080007-EI

## AFFIDAVITS

COM \_\_\_\_\_  
ECR \_\_\_\_\_  
GCL   1    
OPC \_\_\_\_\_  
RCP   1    
SSC \_\_\_\_\_  
SGA \_\_\_\_\_  
ADM \_\_\_\_\_  
CLK \_\_\_\_\_

DOCUMENT NUMBER-DATE

06765 AUG-1 8

FPSC-COMMISSION CLERK

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Environmental Cost Recovery ) DOCKET NO. 080007-EI
Clause )
)

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. 08-029-4-1. 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 a period of 90 days. 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.

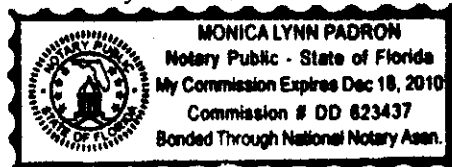
4. Affiant says nothing further.

Robert Onsgard
Robert Onsgard

SWORN TO AND SUBSCRIBED before me this 29th day of July 2008, by Robert Onsgard, who is personally known to me or who has produced Fl. ID (type of identification) as identification and who did take an oath.

Monica Lynn Padron
Notary Public, State of Florida

My Commission Expires: 12/18/10



DOCUMENT NUMBER-DATE
06765 AUG-1 08
FPSC-COMMISSION CLERK

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Environmental Cost Recovery Clause )  
\_\_\_\_\_ )

DOCKET NO. 080007-EG

STATE OF FLORIDA )  
 )  
PALM BEACH COUNTY )

AFFIDAVIT OF ROGER F. MESSER

BEFORE ME, the undersigned authority, personally appeared Roger F. Messer who, being first duly sworn, deposes and says:

1. My name is [REDACTED] I am currently employed by Florida Power & Light Company ("FPL") [REDACTED] My business address is 700 Universe Boulevard, Juno Beach, Florida 33408. 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. 08-029-4-1. 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, [REDACTED] the disclosure of [REDACTED] FPL's contract for [REDACTED] [REDACTED]

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not [REDACTED] 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 [REDACTED] the confidentiality of these documents.

4. Affiant says nothing further.

Roger F. Messer  
Roger F. Messer

SWORN TO AND SUBSCRIBED before me this 29<sup>th</sup> day of July 2008, by Roger Messer, who is personally known to me or who has produced PI-10 (type identification) as identification and who did take an oath.

Monica Lynn Padgett  
Notary Public, State of Florida

My Commission Expires: 12/18/10

