



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

April 15, 2009

VIA HAND 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
09 APR 15 PM 3:28
COMMISSION
CLERK

Re: Docket No. 090002-EG; Florida Power & Light's Second Request for
Extension of Confidential Classification

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Second Request for Extension of Confidential Classification regarding confidential information provided pursuant to Audit No. 04-070-4-1. The original includes a Revised Exhibit C and Revised Exhibit D. The seven (7) copies do not include the exhibits. A compact disc with FPL's Request and Exhibit C in Word format is also included.

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

Sincerely,

Jessica Cano
Jessica A. Cano

COM _____
ECR _____
GCL 1+cD Enclosures
OPC _____
RCP _____
SSC _____
SGA _____
ADM _____
CLK 1

DOCUMENT NUMBER-DATE
03444 APR 15 8

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy Conservation)
Cost Recovery Clause)

Docket No. 090002-EG
Filed: April 15, 2009

SECOND REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF MATERIALS PROVIDED PURSUANT TO AUDIT NO. 04-070-4-1

NOW BEFORE THIS COMMISSION, through the 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 Second Request for Extension of Confidential Classification of certain material provided to the Florida Public Service Commission ("FPSC" or "Commission") staff ("Staff") in connection with the Audit No. 04-070-4-1 (the "Audit"). In support of this Second Request for Extension of Confidential Classification, FPL states as follows:

1. On September 7, 2007, FPL filed its First Request for Extension of Confidential Classification of certain materials obtained during the Audit, which incorporated by reference the previously provided Exhibits A, B and C, and included revised Exhibit D. FPL adopts and incorporates by reference its September 7, 2007 Request, including Exhibits A, B, C and D thereto.
2. By Order No. PSC-07-0827-CFO-EG, dated October 15, 2007, the Commission granted FPL's September 7, 2007 Request.
3. The period of confidential treatment granted by Order No. PSC-07-0827-CFO-EG will soon expire. All of the information that was the subject of FPL's September 7, 2007 Request warrants continued treatment as proprietary and confidential business information

DOCUMENT NUMBER-DATE

03444 APR 15 09

FPSC-COMMISSION CLERK

within the meaning of section 366.093(3), Florida Statutes. Accordingly, FPL hereby submits its Second Request for Extension of Confidential Classification.

4. Included herewith and made a part hereof is a Revised Exhibit C to reflect a new affiant in support of the continued confidential classification of these documents. Also included is a Revised Exhibit D which contains the affidavits of Robert Onsgard and Anita Sharma.

5. FPL submits that the information identified in Revised Exhibit C continues to be 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 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.

6. As the affidavit provided herewith indicates, the information that FPL asserts is proprietary and confidential business information contains internal auditing controls and reports of internal auditors or information related to reports of internal auditors. Such information is proprietary confidential business information pursuant to section 366.093(3)(b), Florida Statutes. Also included is information related customer specific account information. It is FPL's policy not to disclose customer-specific information, except as required by law, to entities or persons other than the customer absent the customer's consent. 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's policy is premised upon customers' right to privacy and the potential that the disclosure of customer specific

information may harm some customers' competitive interests. This information is protected pursuant to section 366.093(3)(e), Florida Statutes.

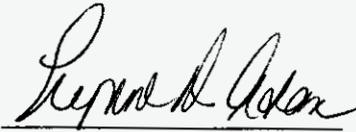
7. FPL requests that this information be accorded continued confidential classification for an additional 18-month period. FPL further requests that the information be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. See § 366.093(4), Fla. Stat.

WHEREFORE, for the above and forgoing reasons, as more fully set forth in the supporting materials and affidavits included herewith and incorporated herein by reference, Florida Power & Light Company respectfully requests that its Second 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
Telephone: (561) 304-5226
Facsimile: (561) 691-7135

By:



Jessica A. Cano
Florida Bar No. 0037372

CERTIFICATE OF SERVICE
DOCKET NO. 090002-EG

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Second Request for Extension of Confidential Classification (without exhibits) was served by U.S. mail this 15th day of April, 2009 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
J.R. Kelly, Esq.
Charles J. Rehwinkel, 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
Marc S. Seagrave
P. O. Box 3395
West Palm Beach, FL 33402-3395

Florida Industrial Power Users Group
John W. McWhirter, Jr.
c/o McWhirter Law Firm
P.O. Box 3350
Tampa, FL 33601-3350

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 Service Company, LLC
John T. Burnett
P.O. Box 14042
St. Petersburg, FL 33733-4042

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

By: 
for Jessica A. Cano
Fla. Bar No. 37372

REVISED EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Work Papers
AUDIT: FPL, Energy Conservation Cost Recovery Clause Audit
 from Jan. 1 – Dec. 31, 2003
AUDIT CONTROL NO: 04-070-4-1
DOCKET NO.: 090002-EG
REVISED: April 15, 2009

Work paper No.	Description	No. of Pages	Conf Y/N	Line No./Col. No.	Florida Statute 366.093 (3) Subsection	Affiant
9	Internal Audit List	2	Y	Pg. 1, Lines 1-51, Col. B Pg. 2, Lines 52-63, Col. B	(b)	R. Onsgard
9-1	Internal Audit Notes	2	Y	All	(b)	R. Onsgard
9-2	Internal Audit Notes	3	Y	All	(b)	R. Onsgard
41-1/1-1	Calculation of Standby & Supplemental Factor July 2003	2	Y	Pg. 1, Lines 1, 3, 6, 7, Cols. A & B; Lines 1b, 3b, 6b, 7b, Col. G Pg. 2, Lines 10-11, 14-15, Cols. A & B; Lines 10b, 11b, 14b, & 15b, Col. G	(e)	A. Sharma
41-1/2-1	Calculation of Standby & Supplemental Factor Oct. 2003	2	Y	Pg. 1, Lines 1, 3, 6-7, 9, Cols. A & B; Lines 1b, 3b, 6b, 7b, Col. G Pg. 2, Lines 12-15, Cols. A & B; Lines 12b, 13b, 14b, & 15b, Col. G	(e)	A. Sharma
41-3	List of RTP Customers	1	Y	Lines 1-8, 11-12, 14-19, 27-31, 35-38, Cols. A-C	(e)	A. Sharma
41-3/1	Calculation of RTP ECCR Factor July 2003	1	Y	Pg. 1, Lines 1, 3, Cols. A-B; Lines 1b, 3b, Col. G	(e)	A. Sharma
41-3/1-1	Power Billing Detail Report	1	N			
41-3/2	Calculation of RTP ECCR Factor Oct. 2003	1	Y	Pg. 1, Lines 1 and 3, Cols. A-B; Line 3, Col. C; Lines 1b and 3b, Col. G	(e)	A. Sharma
41-3/2-1	Power Billing Detail Report	1	N			

Work paper No.	Description	No. of Pages	Conf Y/N	Line No./Col. No.	Florida Statute 366.093 (3) Subsection	Affiant
43-4	Audit Analyzer Sample of Source Code 50	3	Y	Pg. 1, Lines 5b, 6b, 8b, 11b, 14b, 15b, 16b, 17b, 18b, 19b, 20b, 21b, Col. B; Lines 5-6, 11, 14-21, Col. E Pg. 2, Lines 22b, 23b, 24b, 25b, 26b, 27b, 28b, 29b, 30b, 31b, 32b, 33b, 34b, 35b, 36b, 37b, 38b, Col. B; Lines 22-38, Col. E Pg. 3, Line 39b, Col. B; Line 39, Col. E	(e)	A. Sharma
43-4/1	Sample of Source Code 50's	7	Y	Pg. 1, Line 1, Cols. A and D; Lines 3-4, 11-13, and 16, Col. E Pg. 2, Lines 1 and 21, Cols. A and E; Lines 1-2, 21-22, Col. D Pg. 3, Lines 9 and 14, Col. A; Line 14 Col. D; Line 11, Col. E Pg. 4, Lines 1, 4, 7, 10, 13, 16-17, 19, 21, 23-24. Cols. A and D; Lines 17-22, 24, Col. E Pg. 5, Lines 1, 4, 7, 10, 13, 16, and 19 Cols. A and D Pg. 6, Lines 1, 3, 6, 9, 12, Cols. A and D; Lines 15-18, Cols. A, D and E Pg. 7, Lines 1, 7, 10, 13, 16, 19, and 22, Cols. A and D	(e)	A. Sharma
43-5/1	Sample of Source Code 11	1	Y	Pg. 1, Lines 2-6, Cols. B, E, and F; Lines 7, Col. B	(e)	A. Sharma

Work paper No.	Description	No. of Pages	Conf Y/N	Line No./Col. No.	Florida Statute 366.093 (3) Subsection	Affiant
44-7/2	CILC Reconciliation	1	N			
44-7/2-1	CILC Billing Report	8	Y	<p>Pg. 1, Lines 3, 5, 8-9, 11-12, 14-15, 17, 19-21, 23-27, 29, 33-34, 36, 38, 40, 42-43, 47-48, 50-51, 54-55, 60, 62, and 64, Cols. A-C, J-L, N</p> <p>Pg. 2, Lines 73-74, 77-82, 87, 89, 92-93, 99-100, 103, 105, 106, 108, 110-111, 115, 120, 122, 124, 129, Cols. A-C, J-L, N</p> <p>Pg. 3, Lines 134-135, 139-140, 144-147, 149-154, 156-161, 164-166, 168-171, 173, 177, 179-180, 184, 187, 189-194, 198, Cols. A-C, J-L, N</p> <p>Pg. 4, Lines 199, 209, 212, 214, 216, 219, 222-223, 226-229, 235, 237, 239-240, 243-244, 246, 248-249, 253-254, 256, 259, 261-264, Cols. A-C, J-L, N</p> <p>Pg. 5, Lines 265, 269-270, 272, 274-276, 278, 280, 282, 284, 286, 289-294, 296, 298, 300, 302, 306-308, 314, 318, 320, 326-330, Cols. A-C, J-L, N</p> <p>Pg. 6, Lines 331, 333, 338, 344, 346, 348, 355, 357, 359-361, 363, 365-366, 368-373, 375, 383, 389-391, 393, 396, Cols. A-C, J-L, N</p> <p>Pg. 7, Lines 398-399, 401-404, 408, 411, 413, 415, 417-418, 420-421, 426, 428-432, 434, 437, 439, 442-443, 445, 451-453, 456-457, 459, 461-462, Cols. A-C, J-L, N</p> <p>Pg. 8, Lines 463, 465, 468-470, 474-477, 480, 482, 486-487, 490-493, 496, 499-500, Cols. A-C, J-L, N</p>	(e)	A. Sharma

Work paper No.	Description	No. of Pages	Conf Y/N	Line No./Col. No.	Florida Statute 366.093 (3) Subsection	Affiant
44-7/2-1/1	Calculation of CILC Credits	1	Y	Pg. 1, Lines 1-11, Cols. B, C, E, H, I	(e)	A. Sharma
44-7/2-1/1-1	Power Billing Detail Report	10	N Y N Y N N Y N	Pg. 1 Pg. 2, Lines 1-3, Cols. A and B; Lines 10-12, 15-16, Col. B; Lines 7-8, 10-12, 15-16, 22-29, 33-44, Col. C; Lines 10-12, 15-20, 31-32, Col. E; Lines 7-8, 10-13, 15-30, 33-34, Col. F Pg. 3, Lines 1-3, Cols. A-B; Lines 10-12, 15-16, Col. B; Lines 7-8, 10-12, 15-16, 22-29, 33-44, Col. C; Lines 10-12, 15-16, 18-20, 31-32, Col. E; Lines 7-8, 10-13, 15-30, 33-44, Col. F Pg. 4 Pg. 5, Lines 1-3, Cols. A and B; Lines 10-12, 14-15, Col. B; Lines 7-8, 10-12, 14-15, 20-27, 30-41, Col. C; Lines 10-12, 14-18, 28-29, Col. E; Lines 7-12, 14-28, 30-41, Col. F Pg. 6 Pg. 7 Pg. 8, Lines 1-3, Cols. A and B; Lines 10-12, 14-15, Col. B; Lines 7-8, 10-12, 14-15, 20-27, 30-41, Col. C; Lines 10-12, 14-18, 28-29, Col. E; Lines 7-8, 10-12, 14-28, 30-41, Col. F Pg. 9, Lines 1-3, Cols. A and B; Lines 10-12, 14-15, Col. B; Lines 7-8, 10-12, 14-15, 20-27, 31-42, Col. C; Lines 10-12, 14-18, 29-30, Col. E; Lines 7-8, 10-12, 14-28, 31-42, Col. F Pg. 10	(e)	A. Sharma
44-7/2-1/1-2	C/I Load Control Agreement	1	Y	Pg. 1, Lines 2-3	(e)	A. Sharma

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Energy Conservation Cost)
Recovery Clause)

DOCKET NO. 090002-EG

STATE OF FLORIDA)
MIAMI-DADE COUNTY)

AFFIDAVIT OF ROBERT ONSGARD

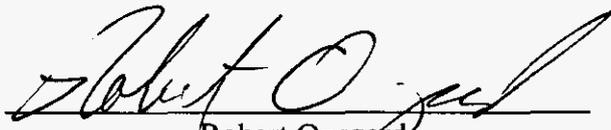
BEFORE ME, the undersigned authority, personally appeared Robert Onsgard who, being first duly sworn, deposes and says:

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.

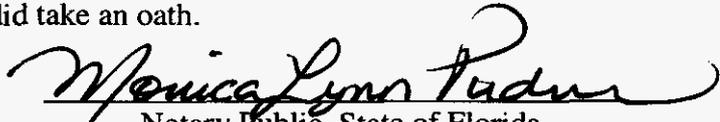
2. With respect to Exhibit C, I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification of certain information provided pursuant to Audit No. 04-070-4-1. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary 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. No significant changes have occurred since the issuance of Order No. PSC-07-0827-CFO-EG to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than eighteen months. These materials 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 10th day of April, 2009, 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.


Notary Public, State of Florida

My Commission Expires: 12/18/10

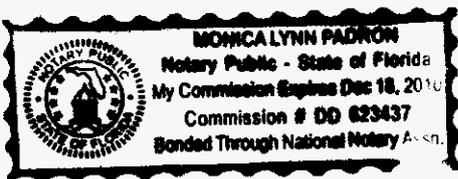


EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Energy Conservation)
Cost Recovery Clause)

Docket No. 090002-EG

STATE OF FLORIDA)
MIAMI-DADE COUNTY)

AFFIDAVIT OF ANITA SHARMA

BEFORE ME, the undersigned authority, personally appeared Anita Sharma who, being first duly sworn, deposes and says:

1. My name is Anita Sharma. I am currently employed by Florida Power & Light Company ("FPL") as Manager, DSM Cost and Performance. My business address is 9250 West Flagler Street, Miami Florida, 33174. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents for which I am listed as affiant that are included in Exhibit A to FPL's Request for Confidential Classification of Information Obtained in Connection with Audit No. 04-070-4-1. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute customer-specific account information. It is FPL's 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. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Nothing has changed since the issuance of Order No.PSC-07-0827-CFO-EG to render the information stale or public such that continued treatment would not be appropriate. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than 18 months. In addition, these materials 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.

Anita Sharma
Anita Sharma

SWORN TO AND SUBSCRIBED before me this 10 day of April, 2009, by Anita Sharma, 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

