



Jessica Cano  
 Attorney  
 Florida Power & Light Company  
 700 Universe Boulevard  
 Juno Beach, FL 33408-0420  
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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 3:27  
 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. 05-042-4-1. 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

Enclosures

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

DOCUMENT NUMBER-DATE

03446 APR 15 8

FPSC-COMMISSION CLERK

**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. 05-042-4-1**

**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. 05-042-4-1 (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-07-0828-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-07-0828-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

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03446-09 04/15/09  
**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 affidavit of 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 includes 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 Cano  
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  
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Tampa, FL 33601-3350

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

Gulf Power Company  
Ms. Susan D. Ritenour  
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Tampa Electric Company  
Paula K. Brown  
Administrator, Regulatory Coordination  
P. O. Box 111  
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Norman H. Horton, Jr.  
P.O. Box 15579  
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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: \_\_\_\_\_

*Jessica Cano*

Jessica A. Cano

Fla. Bar No. 37372

**REVISED EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Work Papers  
**AUDIT:** FPL, Conservation Clause  
 January 1 – December 31, 2004  
**DOCKET NO.** 090002-EG  
**AUDIT CONTROL NO:** 05-042-4-1  
**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
41-1/1-1	Bill Test	1	Y	Pg.1, Line 1	(e)	A. Sharma
43-2/1	Call Center Data	2	N			
43-4/1	CDR Adjustment	1	N			
43-4/2	CDR Adjustment	1	N			
43-4/3	CDR Adjustment	1	N			
43-4/4	CDR Adjustment	1	N			
43-5/1	Proposal	3	Y Y N	Pg.1, Line 17 Pg.2, Line 9 Pg.3	(e)	A. Sharma
43-5/2	Cell Phone Bill	24	N Y N Y Y Y Y Y Y Y Y Y Y Y Y Y	Pg.1-4 Pg.5, Lines 1, 12, and 31 Pg.6 Pg.7, Lines 3, 6, 34, 36, and 42 Pg.8, Lines 2 and 5 Pg.9, Lines 2 and 5, Cols. A and B Pg.10, Lines 2 and 5, Col. A, lines 3 and 5, Col. B Pg.11, Lines 2 and 5, Cols. A and B Pg.12, Lines 2 and 5, Col. A, Lines 2 and 5, Col. B Pg.13, Lines 2 and 5, Col. A, Lines 2 and 5, Col. B Pg.14, Lines 2 and 5, Col. A, Lines 2 and 5, Col. B Pg.15, Lines 2 and 5, Col. A, Lines 2 and 5, Col. B Pgs.16-23, Lines 2 and 5, Cols. A and B Pg.24, Lines 2 and 5	(e)	A. Sharma

Work paper No.	Description	No. of Pages	Conf Y/N	Line No./Col. No.	Florida Statute 366.093 (3) Subsection	Affiant
43-5/3	Case Studies	5	N Y Y Y Y	Pg.1 Pg.2, Lines 8, 14, 18, 20, 22, 28-31 Pg.3, Lines 1-5, 9-10, 12-15 Pg.4, Lines 1-2, 6, 13-14, 21-22, 28-29 Pg.5, Lines 1, 9-11	(e)	A. Sharma
44-1/1	CILC Incentives	8	Y	Pg.1, Lines 4, 6-10, 12-13, 16-19, 24-27, 29, 32, 35, 37-38, 44, 48-52, 57, 61, 63, Cols. A-C, J-N Pg.2, Lines 64-69, 73-78, 80-81, 83-86, 88, 90-91, 93-94, 98-100, 103-104, 106-108, 114-115, 118, 121, 123, 127-128, 130-131, Cols. A-C, J-N Pg.3, Lines 132-133, 136-138, 140, 142, 145, 147, 150, 153-154, 157, 161-162, 164-165, 167-168, 171, 173, 175, 177, 179-181, 188, 190-191, 194, 196, Cols. A-C, J-N Pg.4, Lines 198-200, 203-205, 207, 209, 211-214, 217-218, 220-221, 225, 228, 232-234, 240-245, 253, 254, 257, Cols. A-C, J-N Pg.5, Lines 259, 261-265, 269, 278, 282, 285-287, 289, 291-292, 296, 300, 302, 305-307, 310-312, 314-317, 319-322, 324, Cols. A-C, J-N Pg.6, Lines 325, 329-332, 334, 338-339, 341, 343, 346, 349-350, 352, 362, 369, 372, 374-375, 378, 381-382, 385, 389, 391, Cols. A-C, J-N Pg.7, Lines 395-404, 408-409, 412, 414, 416, 423, 426, 429-430, 435, 438, 440, 442-443, 445, 449-451, Cols. A-C, J-N Pg.8, Lines 452, 454, 461, 465-466, 470, 472, 475, 477-478, 481-483, 491 Cols. A-C, J-N	(e)	A. Sharma

Work paper No.	Description	No. of Pages	Conf Y/N	Line No./Col. No.	Florida Statute 366.093 (3) Subsection	Affiant
44-1/1-1	Sample Bill	1	Y	Pg.1, Lines 1-2, Cols. A-B Line 2a, Col. B Lines 7-8, Cols. C & F Lines 10-12, Cols. B & C, E-F Lines 12a, Col. F Lines 14-15, Cols. B & C, E & F Lines 16-18, Cols. E & F Lines 19-20, Col. F Lines 21-24, Cols. C, F Lines 25, Cols. C, F Lines 26-28, Cols. C, F Line 29, Col. F Lines 30-31, Col. E Lines 32-36, Cols. C & F Lines 37-44, Cols. C & F	(e)	A. Sharma
44-1/2	CDR Incentives	1	Y	Pg.1, Lines 1-3, 6-8, 10, 14-16, 18, 20, Cols. A-C, J-M	(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 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. 05-042-4-1. 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-07-0828-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<sup>th</sup> 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

