



Ilan Kaufer  
 Attorney  
 Florida Power & Light Company  
 700 Universe Boulevard  
 Juno Beach, FL 33408-0420  
 (561) 304-5675  
 (561) 691-7135 (Facsimile)

June 2, 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 JUN -2 PM 3:35  
 COMMISSION  
 CLERK

Re: Docket No. 090001-EI  
 Fuel and Purchased Power Cost Recovery Clause with Generating  
 Performance Incentive Factor

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Request for Confidential Classification of information provided to Staff pursuant to Audit No. 09-041-4-3. The original includes Exhibits A, B, C and D.

Exhibit A contains confidential information that is subject to FPL's request for confidential classification and is marked "Exhibit A - Confidential." Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C contains the statutory justification for the request for confidential classification. Exhibit D contains the original affidavits of Robert Onsgard, Damaris Rodriguez, Osvaldo J. Lom, and Gerard J. Yupp.

Also included herewith is a computer CD containing FPL's Request for Confidential Classification and Exhibit C. The diskette is HD density, the operating system is Windows XP, and the processing software is Word. Please contact me should you or your Staff have any questions regarding this filing.

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

COM \_\_\_\_\_  
 ECR 5  
 GCL 1 + CD  
 OPC \_\_\_\_\_  
 RCP \_\_\_\_\_  
 SSC \_\_\_\_\_ Enclosures  
 SGA \_\_\_\_\_ cc: parties of record (w/out exhibits)  
 ADM \_\_\_\_\_  
 CLK 1

Sincerely,

Ilan Kaufer on behalf of  
 Florida Power & Light Company

DOCUMENT NUMBER-DATE

05481 JUN-2 8

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power )  
Cost Recovery Clause and Generating )  
Performance Incentive Factor )  
\_\_\_\_\_ )

DOCKET NO. 090001-EI

FILED: June 2, 2009

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION  
PROVIDED PURSUANT TO AUDIT NO. 09-041-4-3**

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 Capacity Cost Recovery 2008 (Audit Control No. 09-041-4-3; hereinafter the “CCR Audit”) in this docket. In support of its Request, FPL states as follows:

1. During the CCR Audit, Staff requested access to various FPL reports and other documents, portions of which became working papers of the auditors. By letter dated May 12, 2009, 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 June 2, 2009, 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 Robert Onsgard, Damaris Rodriguez, Osvaldo J. Lom and Gerard J. Yupp.

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), Florida Statutes. The information is intended to be, and has been, treated by FPL as private, and its confidentiality has been maintained.

4. Pursuant to Section 366.093, Florida Statutes, 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) SUBSECTION." The letters in that column refer to the subsection(s) of Section 366.093(3), Florida Statutes, that provide justification for FPL'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. As the affidavits included in Exhibit D indicate, the information provided by FPL contains information relating to internal auditing controls and reports of internal auditors. Such information is protected by section 366.093(3)(b), Florida Statutes. Additionally, the information provided by FPL contains information concerning bids or other contractual data, the disclosure of which would impair FPL's efforts to contract for goods or services on favorable terms in the future. Such information is protected by section 366.093(3)(d), Florida Statutes. The information provided by FPL also includes information which is competitively sensitive, and its disclosure would impair the competitive interests of FPL or its vendors. Such information is protected by section 366.093(3)(e), Florida Statutes.

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 confidential classification of the documents identified in this Request be granted.

Respectfully submitted,

John T. Butler, Managing Attorney  
Ilan G. Kaufer, Attorney  
Florida Power & Light Company  
700 Universe Blvd. – Law/JB  
Juno Beach, Florida 33408-0420  
Telephone: 561-304-5675  
Fax: 561-691-7135

By:   
Ilan G. Kaufer on behalf of  
Florida Power & Light Company  
Fla. Bar No. 65394

**CERTIFICATE OF SERVICE**  
**Docket No. 090001-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification (\*) has been furnished by hand delivery (\*\*) or U.S Mail on June 2, 2009, to the following:

Lisa Bennett, Esq. \*\*  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Lee L. Willis, Esq.  
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Ausley & McMullen  
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AFLSA/JACL-ULT  
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Keefe, Anchors Gordon & Moyle, P.A.  
118 N. Gadsden St.  
Tallahassee, FL 32301  
Co-Counsel for FIPUG

By:   
\_\_\_\_\_  
Ilan G. Kaufer  
Fla. Bar No. 65394

\* 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**

## **Justification Table**

## EXHIBIT C

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Work Papers  
**AUDIT:** FPL, Capacity Cost Recovery  
**AUDIT CONTROL NO:** 09-041-4-3  
**DOCKET NO.** 090001- EI

Work paper No.	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
9	Internal Audits	4	Y	Pgs. 1-4, Col. A	(b)	R. Onsgard
41-2/2	Revenue	1	Y	Pg. 1, Col. 1	(e)	D. Rodriguez
41-2/2-1	Revenue	2	N N	Pg. 1 Pg. 2		
41-2/3	Revenue	1	Y	Pg. 1, Col. 1	(e)	D. Rodriguez
41-2/4	Revenue	1	Y	Pg. 1, Col. 1	(e)	D. Rodriguez
41-2/4-1	Revenue	3	Y Y N	Pg. 1, Lns. 2-5 Pg. 2, Lns. 2-4 Pg. 3	(e)	D. Rodriguez
41-2/5	Revenue	1	Y	Pg. 1, Lns. 2-5	(e)	D. Rodriguez
41-2/5-1	Revenue	1	Y	Pg. 1, Col. 1	(e)	D. Rodriguez
41-2/6	Revenue	1	Y	Pg. 1, Col. 1	(e)	D. Rodriguez
41-2/7	Revenue	1	Y	Pg. 1, Col. 1	(e)	D. Rodriguez
41-2/8	Revenue	1	Y	Pg. 1, Col. 1	(e)	D. Rodriguez
41-2/9	Revenue	1	Y	Pg. 1, Col. 1	(e)	D. Rodriguez
41-2/10	Revenue	1	Y	Pg. 1, Col. 1	(e)	D. Rodriguez
41-2/11	Revenue	1	Y	Pg. 1, Col. 1	(e)	D. Rodriguez
41-2/12	Revenue	1	Y	Pg. 1, Col. 1	(e)	D. Rodriguez
41-2/13	Revenue	1	Y	Pg. 1, Col. 1	(e)	D. Rodriguez
41-2/13-1	Revenue	1	Y	Pg. 1, Lns. 2-5	(e)	D. Rodriguez
41-2/14	Revenue	1	Y	Pg. 1, Col. 1	(e)	D. Rodriguez
41-2/14-1	Revenue	2	Y Y	Pg. 1, Lns. 1, 3-6 Pg. 2, Lns. 2-5	(e)	D. Rodriguez
41-2/15	Revenue	1	Y	Pg. 1, Col. 1	(e)	D. Rodriguez
41-2/16	Revenue	1	Y	Pg. 1, Col. 1	(e)	D. Rodriguez
41-2/17	Revenue	1	Y	Pg. 1, Col. 1	(e)	D. Rodriguez
41-2/18	Revenue	1	Y	Pg. 1, Col. 1	(e)	D. Rodriguez
41-2/19	Revenue	1	Y	Pg. 1, Col. 1	(e)	D. Rodriguez
41-2/20	Revenue	1	Y	Pg. 1, Col. 1	(e)	D. Rodriguez
41-2/21	Revenue	1	Y	Pg. 1, Col. 1	(e)	D. Rodriguez
41-2/22	Revenue	2	Y	Pgs. 1 & 2, Col. 1	(e)	D. Rodriguez
41-2/23	Revenue	2	Y	Pgs. 1 & 2, Col. 1	(e)	D. Rodriguez
41-2/24	Revenue	1	Y	Pg. 1, Col. 1	(e)	D. Rodriguez
41-2/25	Revenue	1	Y	Pg. 1, Col. 1	(e)	D. Rodriguez
41-2/26	Revenue	1	Y	Pg. 1, Col. 1	(e)	D. Rodriguez

Work paper No.	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
41-2/27	Revenue	16	Y N Y Y N Y N Y Y Y Y Y Y	Pg. 1, Ln. 1 Pg. 2 Pg. 3, Ln. 1 Pg. 4, Ln. 1 Pg. 5 - 7 Pg. 8, Ln. 1 Pgs. 9 & 10 Pg. 11, Ln. 1 Pg. 12, Ln. 1 Pg. 13, Ln. 1 Pg. 14, Ln. 1 Pg. 15, Ln. 1 Pg. 16, Ln. 1	(e)	D. Rodriguez
41-2/28	Revenue	1	Y	Pg. 1, Ln. 1	(e)	D. Rodriguez
44-1/1-1/1	UPS	1	N	Pg. 1		
44-1/1-1/2	UPS	1	Y	Pg. 1, ALL	(e)	O. Lom
44-1/1-2/2	UPS	1	N	Pg. 1		
44-1/1-4	UPS	1	N	Pg. 1		
44-1/1-4/1	UPS	1	N	Pg. 1		
45-1/1-1/1	SJRPP	6	Y	Pgs. 1-6, ALL	(e)	O. Lom
45-1/1-2	SJRPP	2	Y	Pg. 1 & 2, ALL	(e)	O. Lom
45-1/3-1	SJRPP	1	Y	Pg. 1, ALL	(e)	O. Lom
45-1/7-1	SJRPP	1	Y	Pg. 1, ALL	(e)	O. Lom
45-2/1-1	SJRPP	2	N	Pg. 1 & 2		
45-2/2-1	SJRPP	1	N	Pg. 1		
45-2/3-1	SJRPP	1	Y	Pg. 1, ALL	(e)	O. Lom
47-1	L-T Capacity Purchase	1	Y	Pg. 1, Cols. D-E	(d)	G. Yupp
47-1/1	L-T Capacity Purchase	2	Y Y	Pg. 1, Lns. 15, 18-19, 32 Pg. 2, Lns. 4, 14-23	(d)	G. Yupp
47-1/2	L-T Capacity Purchase	2	Y	Pg. 1, Lns. 8, 11, Cols. A, C-F	(d)	G. Yupp
47-1/3	L-T Capacity Purchase	2	Y Y	Pg. 1, Cols. B, D-E Pg. 2, Cols. A, C-D	(d)	G. Yupp
47-1/4	L-T Capacity Purchase	3	Y Y Y	Pg. 1, Cols. A-C Pg. 2, Cols. A-D Pg. 3, Cols. A-D	(d)	G. Yupp
48-1	Transmission of Electric by Others	1	Y	Pg. 1, Cols. A-E	(d)	G. Yupp
48-1/1	Transmission of Electric by Others	3	Y Y Y	Pg. 1, Cols. A-D Pg. 2, Cols. A-D Pg. 3, Ln. 3	(d)	G. Yupp
48-1/2	Transmission of Electric by Others	3	N	Pgs. 1-3		
48-1/3	Transmission of Electric by Others	2	N	Pgs. 1-2		
49-1	Transmission Service	1	N	Pg. 1		
49-1/1	Transmission Service	2	N	Pgs. 1-2		
49-1/2	Transmission Service	3	N	Pgs. 1-3		
49-1/3	Transmission Service	1	N	Pg. 1		
49-2	Transmission Service	1	N	Pg. 1		

<b>Work paper No.</b>	<b>Description</b>	<b>No. of Pages</b>	<b>Conf. Y/N</b>	<b>Line No./Col. No.</b>	<b>Florida Statute 366.093(3) Subsection</b>	<b>Affiant</b>
49-3	Transmission Service	1	N	Pg. 1		

# **Exhibit D**

## **AFFIDAVITS**

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Fuel and Purchase Power Cost Recovery )
Clause with Generating Performance ) DOCKET NO. 090001-EI
Incentive Factor )
)
)

STATE OF FLORIDA )
) AFFIDAVIT OF OSVALDO J. LOM
MIAMI-DADE COUNTY )

BEFORE ME, the undersigned authority, personally appeared Osvaldo J. Lom who, being first duly sworn, deposes and says:

1. My name is Osvaldo J. Lom. I am currently employed by Florida Power & Light Company ("FPL") as Supervisor of Purchased Power Contracts. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents that are included in Exhibit A to FPL's Request for Confidential Classification of Information Obtained in Connection with Audit No. 09-041-4-3. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain competitively sensitive data that, if disclosed, would place FPL at a competitive disadvantage. FPL and Southern Co. share this information, and its disclosure could make data available to the marketplace that would otherwise not be available at this level of detail. 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 not less than 18 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 so that FPL can continue to maintain the confidentiality of these documents.

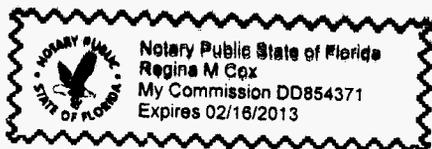
4. Affiant says nothing further.

[Signature of Osvaldo J. Lom]
Osvaldo J. Lom

SWORN TO AND SUBSCRIBED before me this 21st day of May 2009, by Osvaldo J. Lom, who is personally known to me or who has produced (type of identification) as identification and who did take an oath.

[Signature of Regina M Cox]
Notary Public, State of Florida

My Commission Expires:



**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

Fuel and Purchase Power Cost Recovery ) DOCKET NO. 090001-EI  
Clause with Generating Performance )  
Incentive Factor )  
)

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.

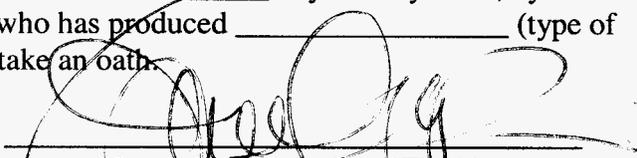
2. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant that are included in Exhibit A to FPL's Request for Confidential Classification of materials provided pursuant to Audit No. 09-041-4-3. Such documents or materials that I have reviewed and which, 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 not less than 18 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 so that FPL can continue to maintain the confidentiality of these documents.

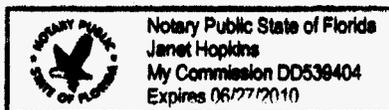
4. Affiant says nothing further.

  
\_\_\_\_\_  
Robert Onsgard

**SWORN TO AND SUBSCRIBED** before me this 21 day of May 2009, by Robert Onsgard, who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification and who did take an oath.

  
\_\_\_\_\_  
Notary Public, State of Florida

My Commission Expires:



**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

Fuel and Purchase Power Cost Recovery	)	
Clause with Generating Performance	)	DOCKET NO. 090001-EI
Incentive Factor	)	
	)	
	)	

STATE OF FLORIDA	)	
	)	<b>AFFIDAVIT OF DAMARIS RODRIGUEZ</b>
MIAMI-DADE COUNTY	)	

**BEFORE ME**, the undersigned authority, personally appeared Damaris Rodriguez who, being first duly sworn, deposes and says:

1. My name is Damaris Rodriguez. I am currently employed by Florida Power & Light Company ("FPL") as Manager of Cost Recovery Clauses in the Regulatory Affairs Department. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C, and the documents that are included in Exhibit A to FPL's Request for Confidential Classification of Information Obtained in Connection with Audit No. 09-041-4-3. 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, which if disclosed would impair FPL's competitive advantage. 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. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 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 so that FPL can continue to maintain the confidentiality of these documents.

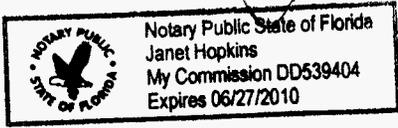
4. Affiant says nothing further.

*Damaris Rodriguez*  
 \_\_\_\_\_  
 Damaris Rodriguez

**SWORN TO AND SUBSCRIBED** before me this 28<sup>th</sup> day of May 2009, by Damaris Rodriguez, who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification and who did take an oath.

*[Signature]*  
 \_\_\_\_\_  
 Notary Public, State of Florida

My Commission Expires:



**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

Fuel and Purchase Power Cost Recovery )  
Clause with Generating Performance ) DOCKET NO. 090001-EI  
Incentive Factor )  
\_\_\_\_\_)

STATE OF FLORIDA )  
PALM BEACH COUNTY ) **AFFIDAVIT OF GERARD J. YUPP**

**BEFORE ME**, the undersigned authority, personally appeared Gerard J. Yupp who, being first duly sworn, deposes and says:

1. My name is Gerard J. Yupp. I am currently employed by Florida Power & Light Company ("FPL") as Director of Wholesale Operations in the Energy Marketing and Trading Division. I have personal knowledge of the matters stated in this affidavit.

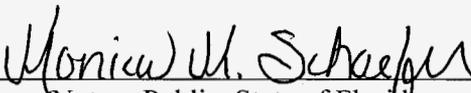
2. With respect to Exhibit C, I have reviewed the documents which are included in Exhibit A to FPL's Request for Confidential Classification of Information Obtained in Connection with Audit No. 09-041-4-3. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute contractual data such as pricing and other terms, payment records, and vendor and supplier rates, the disclosure of which would impair the efforts of FPL to contract for gas and oil procurement on favorable terms for the benefit of its customers and would impair the competitive interests of FPL and its vendors. Certain information in these documents and materials would also place FPL at a disadvantage when coupled with other information that is publicly available. 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 not less than 18 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 so that FPL can continue to maintain the confidentiality of these documents.

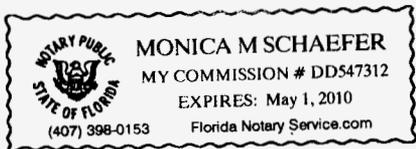
4. Affiant says nothing further.

  
Gerard J. Yupp

**SWORN TO AND SUBSCRIBED** before me this 21<sup>st</sup> day of May 2009, by Gerard J. Yupp, who is personally known to me or who has produced personally known (type of identification) as identification and who did take an oath.

  
Notary Public, State of Florida

My Commission Expires: 5/1/2010



STATE OF FLORIDA

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



OFFICE OF COMMISSION CLERK  
ANN COLE  
COMMISSION CLERK  
(850) 413-6770

# Public Service Commission

## ACKNOWLEDGEMENT

DATE: June 2, 2009

TO: Ilan Kaufer, Florida Power & Light Company

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket Number 090001 or, if filed in an undocketed matter, concerning Audit No. 09-041-4-3, and filed on behalf of Florida Power & Light Company. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

DOCUMENT NUMBER - DATE  
05482 JUN -28  
FPSC-COMMISSION CLERK

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850  
An Affirmative Action/Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)