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February 25, 2010

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 COMMISSION  
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**VIA HAND DELIVERY**

Florida Public Service Commission  
 Ann Cole, Commission Clerk  
 Office of Commission Clerk  
 2540 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-0850

Re: FPL's Response to Staff's February 4, 2010 letter concerning confidential designation of Working Papers for Audit Control No. 09-028-4-1

Docket 100002-EG

Dear Ms. Cole:

Enclosed please find for filing in the above-referenced docket the original and seven (7) copies of Florida Power & Light Company's (FPL's) response to Mr. Robert Freeman's February 4, 2010 letter entitled "Re: Docket No. 090002-EG, August 19, 2009 Request for Confidential Classification for PSC staff audit working papers prepared during Energy Conservation Cost Recovery Clause Audit for the Year Ended December 31, 2008, Audit control number 09-028-4-1, documents numbered 07900-09 and 08665-09." Also enclosed are revised pages for Exhibits A and B (the revised pages for Exhibit A are in a separate envelope marked "Exhibit A - Confidential"). These confidential revised pages are subject to and should be handled consistent with FPL's August 19, 2009 Request for Confidential Classification. Also enclosed are the original and seven (7) copies of revised Exhibit C to FPL's August 19, 2009 Request for Confidential Classification that is the subject of Mr. Freeman's letter.

Please contact me if you have any questions.

COM \_\_\_\_\_  
 APA 5  
 ECR \_\_\_\_\_  
 GCL 1  
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 SSC \_\_\_\_\_  
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 CLK 1

Sincerely,

Ilan G. Kaufer

DOCUMENT NUMBER-DATE

01280 FEB 25 0



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700 Universe Boulevard  
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February 25, 2010

Florida Public Service Commission  
Robert Freeman, Senior Government Analyst  
Bureau of Audit  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Dear Mr. Freeman,

This letter is in response to your February 4, 2010 letter entitled "Re: Docket No. 090002-EG, August 19, 2009 Request for Confidential Classification for PSC staff audit working papers prepared during Energy Conservation Cost Recovery Clause Audit for the Year Ended December 31, 2008, Audit control number 09-028-4-1, documents numbered 07900-09 and 08665-09" (the "February 4 letter"). In your February 4 letter, you raised five issues with Florida Power & Light's ("FPL's") August 19, 2009 Request for Confidential Classification, and asked for a response from FPL to those issues within 21 days. I am hereby responding to the identified issues and providing a Revised Exhibit C. I will file a copy of this response as well as revised exhibits to FPL's August 19, 2009 Request for Confidential Classification with the Commission Clerk. The revised pages for Exhibits A and B are highlighted and redacted copies of certain Working Papers. The revised highlighted and redacted pages are intended to replace the similarly numbered copies of Working Papers FPL filed with its August 19, 2009 Request for Confidential Classification. Also attached is a revised Exhibit C.

Issue 1: Compensation Information

FPL's request that certain information related to employee compensation, duties, qualifications or responsibilities located within the documents, receive confidential treatment is not made pursuant to Section 366.093(3)(f), F.S. Consistent with Exhibit C, which was attached to FPL's August 19, 2009 Request for Confidential Classification, FPL has requested confidential classification of certain employee information pursuant to Section 366.093(3)(e), F.S. As more fully set forth in several requests for confidential classification filed by FPL in docket 080677-EI,<sup>1</sup> this information is competitively sensitive to FPL, and its disclosure would harm FPL's competitive business as well as its customers by increasing compensation-related costs. Such information is specifically entitled to confidential treatment under Section 366.093(3)(e), F.S. Additionally, disclosure of this information would violate employees'

<sup>1</sup> See, e.g., FPL's and Intervenor Employees' Second Revised Request for Confidential Classification of Staff's Third Set of Interrogatories No. 16, Fourth Set of Interrogatories No. 32, and Eighth Set of Interrogatories No. 97, and Request for Determination by Full Commission, filed August 13, 2009.

constitutionally-protected rights to privacy. This employee compensation information in the Working Papers is the same type of information that is currently subject to appeal in Florida's First District Court of Appeal (Case Number: 1D09-4779). Such information must be treated as confidential pending resolution of FPL's appeal, pursuant to Rule 25-22.006(10), Fla. Admin. Code.

FPL has highlighted and redacted employee names and titles within these documents, in an effort to keep compensation information located on the same page confidential. FPL maintains that when employee names and/or titles are coupled with specific compensation information, the information constitutes competitively sensitive and private information. FPL has highlighted and redacted the names and titles – as opposed to the compensation dollar figures located on these pages – in an effort to allow public disclosure of the dollar figures themselves. The following Working Papers contain competitively sensitive and private employee compensation information.

43-1/1-1	43-1/1-6
43-1/1-2	43-1/1-7
43-1/1-3	43-1/1-8
43-1/1-4	43-1/1-9
43-1/1-5	

Issue 2: Employee Information in Contracts

FPL is only requesting confidential classification of employee names and titles when that information is linked to compensation information, as described in Issue 1. FPL is separately requesting that certain information related to bids and contractual data be granted confidential classification pursuant to Section 366.093(3)(d), F.S. FPL treats documents containing contractual terms the disclosure of which would impair FPL's efforts to contract for goods or services on favorable terms as confidential documents. Accordingly, FPL has requested confidential treatment for these contracts and purchase orders. FPL agrees that certain employee personnel information within contract documents does not require confidential treatment. Therefore, FPL has revised the following Working Papers to remove from its request the lines or portions of lines where employee information, such as names, appear:

43-1/2-3/1	43-7/2-14/1
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Issue 3: Names of FPL employees

In your February 4 letter, you question whether certain information related to employee names found within detailed staff audit working papers can receive confidential treatment. FPL has reviewed the Working Papers, and agrees that some of that information does not require confidential treatment. The revised Working Papers include:

8-1/3	43-1/2-3/1	43-7/2-14/1
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Please note that certain of the Working Papers containing information on employee names are also identified with respect to Issue 1. FPL seeks confidential classification of the information on employee names for the reasons thoroughly outlined in FPL's response to Issue 1.

Issue 4: Titles of FPL employees

In your February 4 letter, you question whether certain information related to employee titles found within certain documents can receive confidential treatment. FPL has reviewed the Working Papers, and agrees that some of that information does not require confidential treatment. The revised Working Papers include:

8-1/3	43-1/2-3/1	43-7/2-14/1
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Please note that certain of the Working Papers containing information on employee titles are also identified with respect to Issue 1. FPL seeks confidential classification of the information on employee titles for the reasons thoroughly outlined in FPL's response to Issue 1.

Issue 5: Titles and Names of FPL employees, officers, or Board of Directors

Please see Issues 1-4.

If you have any questions regarding this letter or its attachments, please contact me at (561) 304-5675, or e-mail me at ilan.kaufer@fpl.com.

Sincerely,



Ilan Kaufer  
Attorney for  
Florida Power & Light Company

cc: Commission Clerk

**ATTACHMENT "A"**

**CONFIDENTIAL  
FILED UNDER SEPARATE COVER**

# **ATTACHMENT “B”**

**EDITED VERSION**

Written Consent of the Governance  
Committee of the Board of Directors  
In Lieu of Meeting

1 1/30/08

2  
3 Consent of Committee regarding Gattler title change and  
4 Bartel, Rauch and Fitzpatrick office appointments.

5  
6  
7  
8 - Effective 1/5/08 - Martin Gattler title changed  
9 from VP Nuclear Projects to VP, New Nuclear Projects

10  
11  
12 - Effective 1/7/08 - Jeffrey S Bartel appointed as  
13 VP Regulatory Affairs

14  
15  
16 - Effective 1/7/08 - Pamela M Rauch appointed as  
17 VP Corporate & External Affairs

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19  
20 - Effective 1/8/08 - Timothy Fitzpatrick appointed as  
21 VP Marketing & Communications of the Company  
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45

CONFIDENTIAL

8-103

1 Procurement Request ITRON CCD to PO# 4500325941

2 FPL Rep. Name: Craig Muccio  
3 Phone Number: 305 552-4127

4 Project Name: DSM Program Monitoring & Evaluation

5 General Purpose: This is an addition of dollars for new scope plus an expiration date correction  
6 to 12/31/09 for an existing 5-year contract with Itron, Inc.

7 Notes to Procurement: This is a correction to an error in expiration date plus an addition of  
8 [redacted] for extra work scope of the same nature as the kind of professional research  
9 consulting services performed under this contract. The PO #is 4500325941. Please  
10 notify Itron and Craig Muccio after the contract change is processed.

11 Justification: The additional work was needed to support exploration of the potential for more  
12 energy conservation and to support impact data collection and analysis for load control. In 2008,  
13 FPL will have to prepare our new energy efficiency and demand response (load control) 10-year  
14 goals. The additional projects and augmentation of current activities will help FPL be prepared  
15 for the push for more conservation from the PSC and the Governor's office.

16 Description of addition:

17 Correct the expiration date to 12/31/09 and add the following items to the contract scope:

- 18 1) [redacted] for TRC-based energy efficiency potential.
- 19 2) [redacted] for continuation of Residential On Call metering.
- 20 3) [redacted] achievable potential analysis for new measures
- 21 4) [redacted] duct repair redesign assessment (for Miguel).
- 22 5) [redacted] statistical correlation of duct pressure pan readings and impacts
- 23 6) [redacted] for continuation of Residential On Call metering and analysis.
- 24 7) [redacted] for evaluation of Energy Recovery Ventilators not anticipated in  
25 original scope

43-1  
2-3  
F1

43-1  
2-3

26 Buy Type: Long Term need, Repetitive Buy  Short Term need, One Time Buy.   
27 One-time buy  
28 Single Source: Yes  No  Sole Source: Yes  No   
29 Single source yes  
30 Effective Date: (Approximate start and end dates for the project based on the schedule outlined  
31 01/01/08 -- 12/31/09

32 Approximate cost of Project: [redacted]

Project Work Order: 1011 90 000 010 078

Attachments: Yes  No  New Contract: Yes  No   
Yes file C:\homel\docs\epro special requests 2007.txt  
Is this a budgeted request: Yes  No   
Yes  
Is this an O & M or Capital purchase or Both: O&M  Capital  Both   
O&M

Selected Supplier For each supplier, provide phone numbers / email addresses if available.  
Company Name: Itron, Inc.

43-1  
2-3  
1

p3



1 **6**

2 Agreement

3  
4



5 Florida Power & Light Company

6 M Santos

7 Authorized Signature

8 Marlene Santos

9 Printed Name

10 VP - Customer Service - FPL

12 Title

Title

JUN 12 2008

13 June 18, 2008

14 Date

Date

43-7  
2-14  
1

**REVISED EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Work Papers  
**AUDIT:** FPL, Energy Conservation Cost Recovery  
**AUDIT CONTROL NO:** 09-028-4-1  
**DOCKET NO.** 090002- EG

Work paper No.	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
8-1	BOD- Committee Notes	3	Y N	Pgs. 1-2, ALL Pg. 3	(e)	A. Ballot
9	List of Internal Audits	4	Y	Pgs. 1-4, Col. A	(b)	R. Onsgard
9-1	Internal Audit Notes	3	Y	Pgs. 1-3, ALL	(b)	R. Onsgard
41-3	Billing Sample-CILC	11	Y	Pgs. 1-11, Cols. A-C & J-N	(e)	A. Sharma
41-3/1	Billing Test- CILC	2	Y N	Pg. 1, Lns. 2-4 Pg. 2	(e)	D. Rodriguez
41-3/2	Billing Test- CILC	2	Y N	Pg. 1, Lns. 2-4 Pg. 2	(e)	D. Rodriguez
41-3/3	Billing Test- CILC	2	Y N	Pg. 1, Lns. 2-4 Pg. 2	(e)	D. Rodriguez
41-3/4	Billing Test- CILC	2	Y N	Pg. 1, Lns. 2-4 Pg. 2	(e)	D. Rodriguez
41-3/5	Billing Test- CILC	2	Y N	Pg. 1, Lns. 2-4 Pg. 2	(e)	D. Rodriguez
41-3/6	Billing Test- CILC	2	Y N	Pg. 1, Lns. 2-4 Pg. 2	(e)	D. Rodriguez
41-3/7	Billing Test- CILC	2	N	Pgs. 1-2		
41-3/8	Billing Test- CILC	2	Y N	Pg. 1, Lns. 2-4 Pg. 2	(e)	D. Rodriguez
41-3/9	Billing Test- CILC	2	N	Pgs. 1-2		
41-3/10	Billing Test- CILC	2	N	Pgs. 1-2		
41-4/1	Billing Test- RLC	2	Y	Pgs. 1-2, Lns. 2-5	(e)	D. Rodriguez
41-4/2	Billing Test- RLC	2	Y	Pgs. 1-2, Lns. 2-5	(e)	D. Rodriguez
41-4/3	Billing Test- RLC	2	Y	Pgs. 1-2, Lns. 1-4	(e)	D. Rodriguez
41-4/4	Billing Test- RLC	2	Y	Pgs. 1-2, Lns. 1-5	(e)	D. Rodriguez
41-4/5	Billing Test- RLC	2	Y	Pgs. 1-2, Lns. 1-4	(e)	D. Rodriguez
41-4/6	Billing Test- RLC	2	Y	Pg. 1, Lns. 1-4 Pg. 2, Lns. 2-5	(e)	D. Rodriguez
41-5/1	Billing Test- SST	2	Y N	Pg. 1, Lns. 2-4 Pg. 2	(e)	D. Rodriguez
41-5/2	Billing Test- SST	2	N	Pgs. 1-2		
41-5/3	Billing Test- SST	2	Y N	Pg. 1, Lns. 2-4 Pg. 2	(e)	D. Rodriguez
41-5/4	Billing Test- SST	2	Y N	Pg. 1, Lns. 2-4 Pg. 2	(e)	D. Rodriguez
43-1/1-1	Payroll Sample Item #1	1	Y	Pg. 1, Lns. 2-3 , 9,& 19	(e)	A. Sharma
43-1/1-2	Payroll Sample Item #2	1	Y	Pg. 1, Lns. 2-3, 9, 22, & 29	(e)	A. Sharma
43-1/1-3	Payroll Sample Item #3	1	Y	Pg. 1, Lns. 2-3, 17, & 22	(e)	A. Sharma
43-1/1-4	Payroll Sample Item #4	1	Y	Pg. 1, Lns. 2-3, 12-13, 15, 18, & 21	(e)	A. Sharma
43-1/1-5	Payroll Sample Item #5	1	Y	Pg. 1, Lns. 2-3, 12-13, 15, 18, & 20	(e)	A. Sharma

Work paper No.	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
43-1/1-6	Payroll Sample Item #6	1	Y	Pg. 1, Lns. 2-3, 12-13, 15, & 17	(e)	A. Sharma
43-1/1-7	Payroll Sample Item #7	1	Y	Pg. 1, Lns. 2-3, 12-13, 18, & 20	(e)	A. Sharma
43-1/1-8	Payroll Sample Item #8	1	Y	Pg. 1, Lns. 2-3, 12, 18, & 20	(e)	A. Sharma
43-1/1-9	Payroll Sample Item #9	1	Y	Pg. 1, Lns. 2-3, 12, 18, & 20	(e)	A. Sharma
43-1/2-2/1	Schedulers Payroll Breakdown	1	N	Pg. 1		
43-1/2-3	Cash Voucher Sample Item # 3	1	Y	Pg. 1, Ln. 4	(e)	A. Sharma
43-1/2-3/1	Cash Voucher Sample Item # 3-Contract	3	Y	Pg. 1, Lns. 1, 4-6 Pg. 2, Lns. 8, 18-24 & 32 Pg. 3, Lns. 1-6	(e) (d), (e) (e)	A. Sharma
43-1/2-3/1-1	Cash Voucher Sample Item # 3-Correction	1	N	Pg. 1		
43-1/2-5	Cash Voucher Sample Item # 17	2	Y	Pg. 1, Ln. 4 Pg. 2, Lns. 1-2, 5-9 18-21, & 32	(d), (e) (d), (e)	A. Sharma
43-1/2-6	Cash Voucher Sample Item # 29	3	Y Y	Pg. 1, Lns. 1-4, Cols. A-B Pgs. 2-3, Lns. 1	(d), (e) (e)	A. Sharma
43-1/2-7	Cash Voucher Sample Item # 30	1	Y	Pg. 1, Lns. 1-4, Cols. A-B	(d), (e)	A. Sharma
43-1/2-8	Cash Voucher Sample Item # 31	1	Y	Pg. 1, Lns. 1-4, Cols. A-B	(d), (e)	A. Sharma
43-1/2-9	Cash Voucher Sample Item # 32	1	Y	Pg. 1, Lns. 1-4, Cols. A-B	(d), (e)	A. Sharma
43-1/2-10	Cash Voucher Sample Item # 33	3	Y	Pg. 1, Lns. 1-4, Col. A Pgs. 2-3, Ln. 1	(d), (e) (e)	A. Sharma
43-1/2-11	Cash Voucher Sample Item # 34	1	Y	Pg. 1, Lns. 1-4, Col. A	(d), (e)	A. Sharma
43-1/2-12	Cash Voucher Sample Item # 36	1	Y	Pg. 1, Lns. 1-4, Cols. A-B	(d), (e)	A. Sharma
43-1/2-13	Cash Voucher Sample Item # 37	1	Y	Pg. 1, Lns. 1-4, Cols. A-B	(d), (e)	A. Sharma
43-1/2-14	Cash Voucher Sample Item # 20-24	2	Y	Pg. 1, Col. A Pg. 2, Lns. 5, 20 & 25-26	(d), (e) (e)	A. Sharma
43-1/2-14/1	Technical Potential for Energy Efficiency in Florida Statement of Work	19	N Y Y	Pg. 1 Pgs. 2-18, ALL Pg. 19, Lns 3-11	(e)	A. Sharma
43-1/2-16/1	Cash Voucher Sample Item # 18	3	Y N N	Pg. 1, Cols. A-F Pg. 2 Pg. 3,	(e)	A. Sharma
43-1/3-1	Journal Voucher Sample Item # 2 and 4	1	Y	Pg. 1, Lns. 5, 20, & 25-26	(e)	A. Sharma
43-1/3-2	CILC True UP-06/08 thru 11/08	1	N	Pg. 1		
43-1/3-3	CILC True UP-12/07 thru 05/08	1	N	Pg. 1		

STATE OF FLORIDA

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COMMISSION CLERK  
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# Public Service Commission

## ACKNOWLEDGEMENT

DATE: February 25, 2010

TO: Ilan G. 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 100001 or, if filed in an undocketed matter, concerning response to staff's 2/4/10, 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 Kim Peña, Records Management Assistant, at (850) 413-6393.

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