

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery clause with generating performance incentive factor.	DOCKET NO. 100001-EI ORDER NO. PSC-10-0286-CFO-EI ISSUED: May 7, 2010
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ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S  
SECOND REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION  
(DOCUMENT NOS. 04671-05, 04672-05, AND 04864-05)

This Order addresses the continuation of confidential treatment for certain material Florida Power & Light Company (FPL) provided Florida Public Service Commission Staff ("staff") pursuant to Audit Control No. 05-028-4-1 (Document Nos. 04671-05, 04672-05, and 04864-05). These documents consist of selected portions of staff's working papers prepared during the "Florida Power & Light Fuel Adjustment Clause Audit for the Year Ended December 31, 2004."

By Order No. PSC-05-0805-CFO-EI, issued August 5, 2005, in Docket No. 050001-EI, the Commission initially granted confidential classification of the documents for a period of 18 months. On January 31, 2007, pursuant to Section 366.093(4), Florida Statutes (F.S.), and Rule 25-22.006(9), Florida Administrative Code (F.A.C.), FPL requested confidential treatment of the information contained in Document Nos. 04671-05, 04672-05, and 04864-05 be extended for an additional 18 months; that request was granted by Order PSC-07-0946-CFO-EI, issued November 28, 2007, in Docket No. 070001-EI.

In the instant Second Request for Extension of Confidential Classification ("2<sup>nd</sup> request"), filed May 29, 2009, FPL now requests an additional 18 month extension of confidential treatment for the portions of the documents previously granted confidential treatment. In its 2<sup>nd</sup> request, FPL states that the period of confidential classification granted by Order No. PSC-07-0946-CFO-EI will soon expire and that the entirety of the information covered by that Order warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093, F.S. FPL has provided an updated justification matrix and new affidavits to clearly describe the information it believes merits continued confidential classification and the justifications therefore. The 2<sup>nd</sup> request was filed in Docket No. 090001-EI.

FPL contends that the information covered by its 2<sup>nd</sup> request includes internal auditing controls and reports of internal auditors as defined by Section 366.093(3)(b), F.S. FPL also submits that certain information concerns bids or other contractual data (Section 366.093(3)(d)) and competitive interests, the disclosure of which would impair the competitive business of the provider of information (Section 366.093(3)(e)). FPL further contends that some of the information is related to customer specific account information, the disclosure of which may harm some customers' competitive interests, and that it is FPL's policy to protect sensitive customer information from public disclosure. FPL states that no significant changes have

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occurred since the issuance of Order No. PSC-07-0946-CFO-EI to render the information stale or public. In addition, FPL states that it has maintained the confidentiality of the documents and materials. As a result, FPL requests that the information previously granted confidential classification by Order No. PSC-07-0946-CFO-EI be accorded continued confidential classification for an additional 18-month period. A Table specifically identifying the information for which FPL seeks continued confidential classification is attached hereto as Attachment A.

### Ruling

Upon review, it appears the above-referenced information, specifically described in the table in Attachment A, satisfies the criteria set forth in Sections 366.093(3) and (4), F.S., for continued classification as proprietary confidential business information. The information constitutes “internal auditing controls and reports of internal auditors;” “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;” and “information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information” as described by Sections 366.093(3)(b), (d), and (e), F.S. The information has not become stale or public. Further, the Commission’s records retention policy requires audit documents be retained by the Commission for a period of 25 years and thus, the documents cannot be returned to the source. Accordingly, FPL’s request for an extension of confidential treatment of specified portions of the information contained in Document Nos. 04671-05, 04672-05, and 04864-05, as detailed in Attachment A, shall be granted.

Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless FPL or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

Based on the foregoing, it is

ORDERED by Commissioner Nathan A. Skop, as Prehearing Officer, that Florida Power & Light Company’s Second Request for Extended Confidential Classification of information contained in Document Nos. 04671-05, 04672-05, and 04864-05, as specifically described in Attachment A, is granted. It is further

ORDERED that the information in Document Nos. 04671-05, 04672-05, and 04864-05 for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Nathan A. Skop, as Prehearing Officer, this 7th day of  
May, 2010.



NATHAN A. SKOP  
Commissioner and Prehearing Officer

( S E A L )

LCB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

ATTACHMENT A  
FPL 2004 Fuel Adjustment Clause  
Audit Control No 05-028-4-1

WORKPAPER NUMBER	DESCRIPTION	PAGES	LINE NUMBER/COLUMN NUMBER
9	Notes from Internal Audits	1-5	All
16-1/1	Purchase Order	2	Page 1, Lines 1,16,19-26 Page 2, Lines 1, 3
16-1/1-1	Invoice	5	Page 1, Cols A-B, Lines 1, 5-15;19-21, 22 Page 2, Cols A-B, Lines 1-11; 12 Page 3, Cols A-B, Lines 1-10; 11 Page 4, Cols A-B, Lines 1-11; 13 Page 5, Cols A-B, Lines 1-7; 10
16-1/1-2	Invoice	5	Page 1, Col A, Line 1; Col B, Lines 1-2; 8-10 Page 3, Col A, Lines 1-2 Page 5, Line 1
16-1/1-3	Invoice	6	Page 1, Cols A-B, Lines 1-11, 15-17, 18 Page 2, Cols A-B, Lines 1-11, 12 Page 3, Cols A-B, Lines 1-9, 11 Page 4, Cols A-B, Lines 1-11, 13 Page 6, Line 1
21	Retail Car Accident Costs	1	All
41-2	Revenues	1	Line 1
41-2/4	Revenues Calculation	1	Col A, Lines 1-50
41-2/5	Revenues Calculation	1	Col A, Lines 1-60
41-2/5-1	Sample Bill	1	Lines 1-4
41-2/6	Revenues Calculation	1	Lines 1-50
41-2/6-1	Sample Bill	1	Lines 1-4
43-3/1-4	Natural Gas Requisition	4	Cols A-D, Lines 1-29, 32-43, 52-54
43-3/1-4/1	Gas Closing Report	2	Page 1, Cols A-D, Lines 1-30; Col E, Lines 11, 13, 17; Page 2, Col A, Line 35; Col B, Lines 1-3, 38-49; Col C, Lines 8, 16, 28, 33-49, 50
43-3/1-4/1-1	Purchase Statement	1	Line 1; Col A, Lines 12-26, 30-32; Col B, Lines 1, 12-28; Col C, Lines 1, 12-26; Col D, Lines 1, 12-28, 35-37
43-3/1-4/1-1/1	Gas Deal Form	2	Page 1, Lines 1, 3-8, 10-15, 19-20, 22 Page 2, Lines 1-2, 4-6, 9-26A
43-3/1-4/2	Invoice Details	1	Cols A-H, Lines 1-16:
43-3/1-4/2-1	Gas Deal Form	1	Lines 1, 3-8, 10-15, 18-19, 23-24
43-3/1-4/3	Invoice Chevron	4	Page 1, Cols B-E, Lines 1-8; 9-14 Page 2, Lines 1, 2; Cols A, C, Lines 6-7; Col B, D Lines 6-8; Pages 3-4, Lines 1-2; Col A, Line 6; Col B, Lines 6-7; Col C, Line 6; Col D, Lines 6-7
43-3/1-4/4	Monthly Gas Closing Report	2	Page 1, Cols A-D, Lines 1-30; Col E, Lines 12, 16, 19, 31, 33 Page 2, Lines 1-3, 8, 15, 27, 32-49
43-3/1-4/4-1	Invoice Details	1	Cols A, E, F, G, H, Lines 1-16; Cols I-J, Lines 1-18

WORKPAPER NUMBER	DESCRIPTION	PAGES	LINE NUMBER/COLUMN NUMBER
43-3/1-4/4-2	Invoice	1	Lines 1-2; Cols A-F Line 9; Col G Lines 9-12
43-3/1-4/5	Monthly Gas Closing Report	2	<b>Page 1</b> , Col A, Lines 1-29; Col B, Lines 1-30; Col C, Lines 1-30; Col D, Lines 1-30; Col E, Lines 17, 22, 27 <b>Page 2</b> , Col A, Lines 34, 49; Col B, Lines 1-3, 31-49; Col C, Lines 8, 15, 27, 31-49
43-3/1-4/5-1	Purchase Statement	2	<b>Page 1</b> , Col A, Lines 1, 12-47; Cols B-E, Lines 12-47 <b>Page 2</b> , Col A, Lines 2, 4-6; Col B, Lines 1, 4-6, 9-11; Col C, Lines 4-8; Col D, Lines 4-6; Col E, Lines 4-8, 14-16
43-3/1-4/5-2	Invoice Details	1	Lines 1, 8, 15, 17; Cols A, E-F, Lines 1-16; Cols G-I, Lines 1-18; Col J, Line 1
43-3/1-4/5-2/1	Gas Deal Form	1	Lines 1, 3-8, 10-15, 18-19, 21, 23-27
43-4	Inventory Sample	25	<b>Page 23</b> Lines 1, 6 <b>Page 24</b> Lines 1, 12, 21, 27 <b>Page 25</b> Lines 1, 10
43-4/1-3/1	Gas Adjustment	1	Col A, Lines 32, 42; Col B, Lines 1-3, 31-42; Col C, Lines 8, 14, 27, 31-42;
43-4/1-4	Gas Closing Report	1	Col A, Lines 1-31, 35-47, 55-57; Cols B-C, Lines 1-31, 35-47; Col D, Lines 1-31, 35-47, 55-57;
43-4/1-5	Gas Sales	1	Lines 1-4, 7-13
43-4/1-5/2	Invoice	1	Lines 1, 4, 8, 15, 21, 23-25, 27;
43-4/1-5/2-1	Invoice Detail	2	<b>Page 1</b> , Line 1; Col B-F, Lines 11-46 <b>Page 2</b> , Line 1; Col B, Lines 3, 5-7; Col C, Lines 5-7; Col D, Lines 5-7, 9-10; Col E, Lines 5-7; Col F, Lines 5-7, 9-10; 12-14
43-4/1-5/2-1/2	Invoice Detail	1	Cols A, D-G, Lines 2-32; Cols H-I, Lines 2-34
43-4/1-5/2-1/2-1	Publication Prices	1	Lines 2-5
43-4/1-5/2-1/2-3	Publication Prices	1	Lines 2-4
43-4/1-5/3	Invoice	2	Line 1; Col B, F, G, H, Lines 9-19; Col I, Lines 9-20; Cols K-L, Lines 9-21
43-4/1-6	Miscellaneous Expenses	1	Col A, Lines 1-9, 14-23; Cols C-D, Lines 1-12, 14-24
43-4/1-7	Miscellaneous Expenses	1	Cols A-C, Lines 1-2; Col D, Lines 1-3
43-4/2	Natural Gas Receiving Report	4	Page 4, Lines 1-32, 37-50; Col A, D, Lines 60-62
43-4/2-1	Purchase Statement	1	Line 1; Cols B-C, Lines 10-12; Col D, 10-12, 13-14; Col E, Lines 10-12; Col F, Lines 10-12, 13-14; Lines 16-18
43-4/2-1/1	Invoice Details	1	Line 1; Cols B, F-H, Lines 9-14; Col I, Line 15; Cols K-L, Lines 9-16; Col M, Lines 9-14
43-4/2-1/1-1	Gas Deal Form	4	<b>Page 1</b> Lines 1, 3-8, 11-16, 19-20 <b>Page 2</b> , Lines 1-6, 10-11, 13-14, 16 <b>Page 3</b> , Cols D, F, H-K, M, Lines 1-18 <b>Page 4</b> , Line 1; Col B, Lines 2-29
45-1	Coal Inv. Adjustments	9	<b>Page 3</b> , Col A, Lines 1-18, 21-25, 27-30, 32-35, 38-40, 42-56

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45-1/3-1	Coal Reconciliation Sheet	1	Col A, Lines 1-15
45-1/4	Fuel Requisitions	2	<b>Page 2</b> , Col A, Lines 1-15
46-3	Fossil Fuel Inventory Report	2	<b>Page 1</b> , Cols A-B, Lines 1-9, 11-56; Cols C-D, Lines 19-23, 32-56; Cols E-L, Lines 1-56; Cols M-O, Lines 1-9, 11-56 <b>Page 2</b> , Col A-D, Lines 1-2; Col E-L, Lines 1-10; Col M-O, Lines 1-2; 15-16, 18-20
49-2	Inventory Transmission	1	Cols, H-N, P-Q, Lines 1-19
49-2/1	Fuel Receipt Report	1	Col F, Lines 1-7, 9-20; Cols H-I, Lines 9-20
49-3	Inventory Transmission	2	<b>Page 1</b> , Cols H-N, P-Q, Lines 1-26 <b>Page 2</b> , Cols, H-N, P-Q, Lines 1-3
49-4	Fossil Fuel Inventory Report	1	Cols C-D, Lines 1-9, 11-55; Cols E-F, Lines 21-23, 32-55; Cols G-N, Lines 1-55; Cols O-Q, Lines 1-9, 11-55;
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WORKPAPER NUMBER	DESCRIPTION	PAGES	LINE NUMBER/COLUMN NUMBER
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