

Eric Fryson

From: Moncada, Maria <Maria.Moncada@fpl.com>
Sent: Thursday, March 21, 2013 2:14 PM
To: Filings@psc.state.fl.us
Subject: Electronic Filing / Dkt 130007-EI / FPL's Fourth Request for Extension of Confidential Classification of Information Provided Pursuant to Audit No. 05-033-4-1
Attachments: Fourth Request for Extension RFCC to Audit No. 05-033-4-1.pdf; Fourth Request for Extension RFCC to Audit No. 05-033-4-1.docx

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 120007 – EI
In re: Environmental Cost Recovery Clause

c. The Document is being filed on behalf of Florida Power & Light Company.

d. There are a total of 6 pages

e. The document attached for electronic filing is Florida Power & Light Company's Fourth Request for Extension of Confidential Classification of Information Provided Pursuant to Audit No. 05-033-4-1.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Environmental Cost Recovery Clause

Docket No: 130007-EI
Date: March 21, 2013

**FLORIDA POWER AND LIGHT COMPANY'S FOURTH REQUEST
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
OF INFORMATION PROVIDED PURSUANT TO AUDIT NO. 05-033-4-1**

Pursuant to Section 366.093, Florida Statutes (2012) ("Section 366.093"), and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby submits its Fourth Request for Extension of Confidential Classification of Information Provided Pursuant to Audit No. 05-033-4-1 ("Confidential Information"). In support of this request, FPL states as follows:

1. On August 4, 2005 FPL filed a Request for Confidential Classification of the Confidential Information, which included Exhibits A, B, C, and D ("August 4, 2005 Request"). By Order No. PSC-05-0917-CFO-EI, dated September 16, 2005 ("Order 0917"), the Commission granted FPL's August 4, 2005 Request. FPL adopts and incorporates by reference the August 4, 2005 Request and Order 0917.

2. By Order No. PSC-07-0582-CFO-EI, dated July 13, 2007, the Commission granted FPL's First Request for Extension of Confidential Classification.

3. By Order No. PSC-09-0708-CFO-EI, dated October 23, 2009, the Commission granted FPL's Second Request for Extension of Confidential Classification.

4. On March 28, 2011 FPL filed a Third Request for Extension of Confidential Classification of the Confidential Information, which included Revised Exhibit A, Revised Exhibit B, together with Third Revised Exhibit C and Third Revised Exhibit D ("March 28, 2011 Request"). By Order No. PSC-11-0502-CFO-EI, dated October 27, 2011 ("Order 0502"), the

Commission granted FPL's March 28, 2011 Request. FPL adopts and incorporates by reference the March 28, 2011 Request and Order 0502.

5. The period of confidential treatment granted by Order 0502 will soon expire. The Confidential Information that was the subject of FPL's March 28, 2011 Request and Order 0502 consists of confidential customer account information and thus warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3). Accordingly, FPL hereby submits its Fourth Request for Extension of Confidential Classification.

6. Included herewith and made a part hereof is Fourth Revised Exhibit D, which consists of the affidavit of Damaris Rodriguez in support of this request. All of the information designated in Revised Exhibit A, Revised Exhibit B and Third Revised Exhibit C to the March 28, 2011 Request remains confidential. Accordingly, those exhibits will not be reproduced or reattached here.

7. The Confidential Information is intended to be and has been treated by FPL as private, its confidentiality has been maintained, and its disclosure would cause harm to FPL and its customers. Pursuant to Section 366.093, such materials 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.

8. As the affidavit included in Fourth Revised Exhibit D indicates, the Confidential Information consists of customer-specific account information, which if disclosed would impair FPL's competitive interests. It is FPL's corporate policy not to disclose customer-specific

information. FPL's privacy policy is published, and customers rely upon it. FPL confirmed and communicated the paramount importance of its privacy policy to customers during the Company's smart meter deployment in response to concerns expressed regarding consumer privacy and security. In addition, while FPL employs privacy safeguards that are stricter than industry standards, disclosure of customer account numbers may contribute to the risk of security breaches. 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. Such information is protected by Section 366.093(3)(e).

9. It is the Commission's policy that orders granting confidential classification generally are limited to 18 months, but the Commission may approve a longer period if it is necessary to protect the ratepayers or the business operations of the utility. Rule 25-22.006(9)(a), (c), Florida Administrative Code. In this instance, the only information from Audit No. 05-033-4-1 that remains confidential is the aforementioned customer account information, which will not become stale or public with the passage of time. Accordingly, FPL requests that the Commission approve a confidentiality period that covers the balance of time necessary to comply with the FPSC's retention policy.

10. Because customer-specific account information will not become stale or public, FPL would have to continually file extensions every 18 months for a period of time consistent with the Commission's record retention policy. Approving a longer confidentiality period will save valuable resources of the Commission, its Staff and FPL, while protecting private customer information.

11. Thus, upon a finding by the Commission that the Confidential Information remains proprietary and confidential, the information should not be declassified for as long as the Commission is required to retain it. Moreover, upon expiration of that period, the Confidential Information should be returned to FPL. *See* § 366.093(4), Fla. Stat. (2012).

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavits included herewith, Florida Power & Light Company respectfully requests that its Fourth Request for Extension of Confidential Classification be granted.

Respectfully submitted,

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By: s/ Maria J. Moncada
Maria J. Moncada
Florida Bar No. 0773301

CERTIFICATE OF SERVICE

Docket No. 130007-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Fourth Request for Confidential Classification(*) was served by electronic mail (**)this 21st day of March, 2013 to the following:

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FOURTH REVISED EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Environmental Cost Recovery Clause

Docket No: 130007-EI

Date: March 19, 2013

STATE OF FLORIDA)

MIAMI-DADE COUNTY)

AFFIDAVIT OF DAMARIS RODRIGUEZ

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. My business address is 9250 West Flagler Street, Miami, Florida 33174. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the documents that were included in Revised Exhibit A to FPL's Third Request for Extension of Confidential Classification of Information Provided Pursuant to Audit No. 05-033-4-1 filed on March 28, 2011, for which this Commission entered an order granting confidential classification (Order No. PSC-11-0502-CFO-EI, dated October 27, 2011). The confidential information contained in those documents consists of customer-specific account information, which if disclosed would impair FPL's competitive interests. It is FPL's corporate policy not to disclose customer-specific information. FPL's privacy policy is published, and customers rely upon it. FPL confirmed and communicated the paramount importance of its privacy policy to customers during the Company's smart meter deployment in response to concerns expressed regarding consumer privacy and security. In addition, while FPL employs privacy safeguards that are stricter than industry standards, disclosure of customer account numbers may contribute to the risk of security breaches. 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.

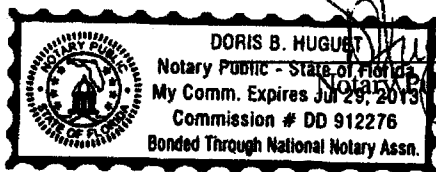
3. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials. Nothing has occurred since the issuance of Order No. PSC-11-0502-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate. Therefore, in light of the nature of the information, the confidential documents should remain confidential for so long as the Commission holds the information. 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.

Damaris Rodriguez
Damaris Rodriguez

SWORN TO AND SUBSCRIBED before me this 18th day of March 2013, by Damaris Rodriguez, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.

My Commission Expires:



Doris B. Huguet
Doris B. Huguet, Notary Public, State of Florida