



Florida Power & Light Company, P. O. Box 14000, Juno Beach, FL 33408-0420
Law Department

(561) 691-3441

March 30, 1998

VIA HAND DELIVERY

Ms. Blanca S. Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

**RE: Florida Power & Light Company's Request for
Confidential Classification of FPL's Response to the
FPL & FPL Services Cost Allocation Audit Report
Audit Control No. 97-223-4-1; Docket No. 980190-EI**

Dear Ms. Bayó:

In accordance with Rule 25-22.006, Florida Administrative Code, and Chapter 366.093, Florida Statutes, Florida Power & Light Company ("FPL") hereby submits for filing:

The original and fifteen (15) copies of FPL's Request For Confidential Classification of FPL's Response to the FPL & FPL Services Audit, including the following exhibits: 03671-98

One copy of Exhibit A, the confidential documents referred to in FPL's Request, submitted for filing in a separate, sealed folder marked "EXHIBIT A - CONFIDENTIAL;" 03672-98

Two (2) copies of Exhibit B, the same documents referred to in FPL's Request in which the information contended by FPL to be confidential has been redacted, submitted for filing in two separate folders marked "EXHIBIT B;" 03673-98

The original and fifteen (15) copies of Exhibit C, FPL's justification and identification matrix, submitted for filing as an attachment to FPL's Request;

The originals and fifteen (15) copies of Exhibits D, E, and F affidavits in support of FPL's Request, submitted for filing as attachments to FPL's Request; and

One copy of Exhibit G, a computer diskette containing FPL's identification and justification matrix (in Microsoft Word 6.0), submitted for filing as an attachment to FPL's request.

DOCUMENT NUMBER-DATE

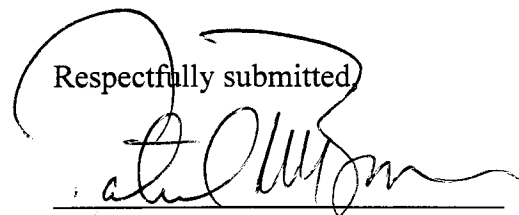
03671 MAR 30 88

FPSC-RECORDS, REPORTING

Ms. Blanca S. Bayó, Director
Division of Records and Reporting
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March 30, 1998
Page 2

Pursuant to Rule 25-22.006(3)(d), FPL requests confidential treatment of these documents pending resolution of FPL's Request for Confidential Classification.

If you or your Staff have any questions regarding this filing, please contact me.

Respectfully submitted,


Patrick M. Bryan
11760 US Hwy One
North Palm Beach, Florida 33408
(561) 691-3441

Attorney for Florida Power
& Light Company

PMB/ak

Enclosures

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of Florida Power)
& Light Company's Request for)
Confidential Classification in)
the Cost Allocation Between)
FPL and FPL Services Audit)
_____)

DOCKET NO. 980190-EI

FILED: March 30, 1998

**REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF FPL's RESPONSE TO THE FPL AND FPL
SERVICES COST ALLOCATION AUDIT REPORT**

Florida Power & Light Company ("FPL") hereby requests confidential classification of its response to the "FPL and FPL Services Cost Allocation Audit Report" (Audit Control No. 97-223-4-1). This request for confidential classification is filed pursuant to section 25-22.006 of the Florida Administrative Code and section 366.093 of the Florida Statutes. FPL further states:

1. Petitioner's name and address are:

Florida Power & Light Company
P.O. Box 029100
Miami, Florida 33102-9100

Orders, notices, or other pleadings related to this request should be served on:

Patrick M. Bryan, Esquire
Florida Power & Light Company
11760 U. S. Highway One
Suite 600
No. Palm Beach, Florida 33408

2. On or about March 9, 1998, FPL filed its response to the "FPL and FPL Services Cost Allocation Audit Report." Contemporaneously with the filing of its response, FPL filed a Notice of Intent to Request Confidential Classification. This request is filed within 21 days of the staff coming into possession of FPL's audit response.

DOCUMENT NUMBER-DATE

03671 MAR 30 88

FPSCH-RECORDS/REPORTING

3. The following exhibits are attached hereto or are being filed separately, but contemporaneously herewith:

- a. Composite Exhibit A consists of FPL's audit response. All information contended by FPL to be entitled to confidential treatment has been highlighted in Composite Exhibit A. Composite Exhibit A is being filed separately in a sealed envelope marked "CONFIDENTIAL."
- b. Composite Exhibit B, attached, consists of FPL's audit response. All information contended by FPL to be entitled to confidential treatment has been redacted in Composite Exhibit B.
- c. Exhibit C, attached, is a line by line and page by page justification matrix including identification of information for which confidential treatment is sought, and correlation of the confidential information with the specific justification for the claim of confidentiality.
- d. Exhibit D, attached is the affidavit of Mark Mitchell
Exhibit E, attached is the affidavit of Dennis Brandt
Exhibit F, attached is the affidavit of John Haney
- e. Exhibit G is a computer diskette containing FPL's justification matrix (Exhibit C).

4. The material in Exhibit A for which FPL seeks confidential treatment should not be declassified for a period of at least 18 months and should be returned to FPL in accordance with section 366.093(4) of the Florida Statutes as soon as the information is no longer necessary for the Commission to conduct its business. Since the materials include information related to employee personnel information unrelated to compensation, duties, qualification or responsibilities, and other information related to the competitive interests of FPL and FPL Services, the materials should remain confidential while at the Commission and should be returned to FPL so that FPL can maintain the confidential nature of the documents.

5. FPL seeks confidential protection for this information pursuant to Florida Statute Section 366.093(3) which provides in pertinent part:

Proprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative

body, or private agreement that provides that the information will not be released to the public.

Pursuant to Section 366.093, such materials are entitled to confidential treatment and exempt from the mandatory disclosure provisions of the public records law. Thus, once the Commission determines that the information is encompassed by Section 366.093(3), the Commission is not required to balance the danger of disclosure against the public interest in access.

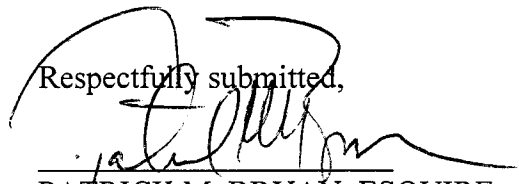
6. Within the justification matrix (Exhibit C) the column marked "FLORIDA STATUTE 366.093(3)" is keyed to justifications for confidentiality contained within the referenced statute. For lines marked "(e)", the justification for confidentiality is that the information related to the competitive interests of FPL and/or FPL Services, the disclosure of which would impair the competitive business of the provider of the information within the meaning of Section 366.093(3)(e) of the Florida Statutes. The justification for confidentiality is more fully set forth in the affidavits of Dennis Brandt, John Haney and Mark Mitchell.

For lines marked "(f)", the justification for confidentiality is that the referenced material is related to employee personnel information unrelated to compensation, duties, qualifications, or responsibilities within the meaning of section 366.093(3)(f) of the Florida Statutes. The justification for confidentiality is more fully set forth in the affidavit of Dennis Brandt.

CONCLUSION

FPL requests confidentiality protection as to the material set out and described in the attached confidentiality justification matrix (Exhibit C).

Respectfully submitted,



PATRICK M. BRYAN, ESQUIRE
11760 U. S. Highway One
Suite 600
No. Palm Beach, Florida 33408
(561) 691-3441

Attorney for Florida Power
& Light Company

Exhibit A

CONFIDENTIAL DOCUMENTS

(SUBMITTED SEPARATELY)

Exhibit B

REDACTED DOCUMENTS

(SUBMITTED SEPARATELY)

Exhibit C

Justification Matrix

LIST OF CONFIDENTIAL WORKPAPERS

**THE COST ALLOCATION BETWEEN FPL
AND FPL SERVICES AUDIT**

COMPANY: FPL
TITLE: FPL'S RESPONSE TO FPSC AUDIT REPORT
AUDIT: INVESTIGATION INTO THE COST ALLOCATION BETWEEN FPL AND FPL SERVICES
DATE: MARCH 30, 1998
AUDIT CONTROL NO: 97-233-4-1

PAGE NO.	CONF. Y /N	LINE NO. COL. NO.	FLORIDA STATUTE 366.093(3) Section:	AFFIDAVIT
1	N			
2	N			
3	Y	Lines 1 - 3	(e)	JH/DB
4	N			
5	Y	Lines 1 - 9	(e)	JH/DB
6	Y	Lines 1 and 2	(e)	DB
7	Y	Lines 1 - 3	(e)	DB
8	Y	Line 1	(e)	DB
9	N			
10	N			
11	N			
12	Y	Lines 1 and 2; Col. A, Lines 3-10	(e)	JH/DB
13	Y	Lines 1 and 2	(e)	DB
14	N			
15	Y	Lines 1 - 3	(f)	DB
16	N			
17	N			
18	Y	Lines 1 - 3	(e)	JH
19	Y	Lines 1 and 2	(e)	JH
Attachment 1 Pages 1 - 5	N			
Attachment 1 Page 6	Y	Cols. A - D	(e)	MM
Attachment 1 Page 7	Y	Line 1	(e)	JH
Attachment 2	Y	All lines	(e)	DB

Exhibit D

**AFFIDAVIT OF
MARK MITCHELL**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

STATE OF FLORIDA)
)
PALM BEACH COUNTY)

AFFIDAVIT OF MARK MITCHELL

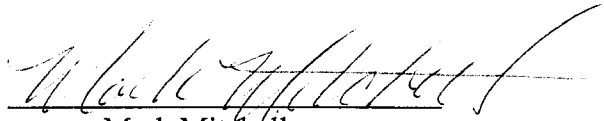
Before me the undersigned authority personally appeared Mark Mitchell who, being first duly sworn, deposes and says:

1. My name is Mark Mitchell. I am currently employed by Florida Power & Light Company (FPL) as Manager of Human Resources and Compensation Planning. I have personal knowledge of the matters stated in this affidavit.

2. All matters identified as exempt from disclosure pursuant to Florida Statute Section 366.093(3) with lines marked (e) and with my initials in the affidavit column on the justification matrix (Exhibit C) consist of information relating to FPL's compensation structure and, therefore, to FPL's competitive interests, the disclosure of which would impair FPL's competitive business within the meaning of 366.093(3)(e). FPL Services has maintained and continues to maintain the confidentiality of such information.

3. The obtained materials should remain confidential for a period of not less than 18 months and should be returned to FPL Services as soon as the information is no longer necessary for the Commission to conduct its business so that FPL Services can maintain the confidential nature of these documents.

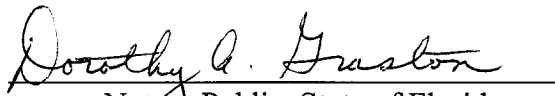
4. Affiant says nothing further.


Mark Mitchell

SWORN TO AND SUBSCRIBED before me this 25th day of March, 1998, by

Mark Mitchell, 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

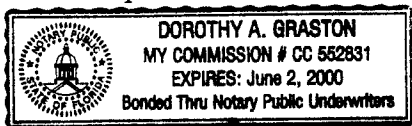


Exhibit E

**AFFIDAVIT OF
DENNIS BRANDT**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

STATE OF FLORIDA)
)
DADE COUNTY)

AFFIDAVIT OF DENNIS BRANDT

Before me the undersigned authority personally appeared Dennis Brandt who, being first duly sworn, deposes and says:

1. My name is Dennis Brandt. I am currently employed by Florida Power & Light Company (FPL) as Manager of Sales & Marketing Product Support. I have personal knowledge of the matters stated in this affidavit.

2. All matters identified as exempt from disclosure pursuant to Florida Statute Section 366.093(3) with lines marked (e) and with my initials in the affidavit column on the justification matrix (Exhibit C) consist of information relating to FPL's competitive interests, the disclosure of which would impair FPL's competitive business within the meaning of 366.093(3)(e). FPL has maintained and continues to maintain the confidentiality of such information.

3. All matters identified as exempt from disclosure pursuant to Florida Statute Section 366.093(3) with lines marked (f) and with my initials in the affidavit column on the justification matrix (Exhibit C) consist of employee personnel information unrelated to compensation, duties, qualifications, or responsibilities within the meaning of 366.093(3)(f).

4. The obtained materials should remain confidential for a period of not less than 18 months and 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 maintain the confidential nature of these documents.

5. Affiant says nothing further.

[Handwritten signature of Dennis Brandt]
Dennis Brandt

SWORN TO AND SUBSCRIBED before me this 26th day of March, 1998, by Dennis Brandt, who is personally known to me or who has produced [redacted] (type of identification) as identification and who did take an oath.

[Handwritten signature of Anita Kabana]
Notary Public, State of Florida

My Commission Expires

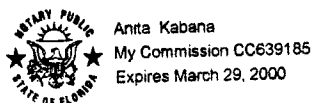


Exhibit E

AFFIDAVIT OF

JOHN HANEY

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

STATE OF FLORIDA)
)
PALM BEACH COUNTY)

AFFIDAVIT OF JOHN HANEY

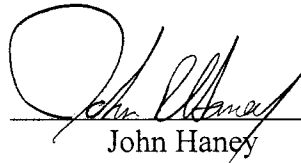
Before me the undersigned authority personally appeared John Haney who, being first duly sworn, deposes and says:

1. My name is John Haney. I am currently employed by FPL Services as General Manager. I have personal knowledge of the matters stated in this affidavit.

2. All matters identified as exempt from disclosure pursuant to Florida Statute Section 366.093(3) with lines marked (e) and with my initials in the affidavit column on the justification matrix (Exhibit C) consist of information relating to FPL Services' competitive interests, the disclosure of which would impair FPL Services' competitive business within the meaning of 366.093(3)(e). FPL Services has maintained and continues to maintain the confidentiality of such information.

3. The obtained materials should remain confidential for a period of not less than 18 months and should be returned to FPL Services as soon as the information is no longer necessary for the Commission to conduct its business so that FPL Services can maintain the confidential nature of these documents.

4. Affiant says nothing further.



John Haney

SWORN TO AND SUBSCRIBED before me this 30 day of March, 1998, by John Haney, 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

375pmb



Anita Kabana
My Commission CC639185
Expires March 29, 2000