



Writer's Direct Dial:
(561) 691-7101

R. Wade Litchfield
Senior Attorney
Florida Authorized House Counsel
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 691-7103 (Facsimile)

December 27, 1999

ORIGINAL

VIA HAND DELIVERY

Ms. Blanca S. Bayò
Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard, Room 110
Tallahassee, FL 32399-0850

RECEIVED-FPSC
99 DEC 27 AM 11:54
RECORDS AND REPORTING

Re: Florida Power & Light Company's Request for Confidential Classification of Certain Material Obtained During the Conservation Cost Recovery Audit Audit Control No. 97-269-4-1

990002-EG

Dear Ms. Bayò:

I enclose and hand you herewith for filing in the above-referenced matter, the original and two (2) copies of Florida Power & Light Company's ("FPL") First Request for Extension of Confidential Classification in connection with Audit No. 97-269-4-1 and FPSC Order No. PSC-98-1024-CFO-EG. Exhibits A, B and C from the previous filing subject to Order No. PSC-98-1024-CFO-EG are incorporated herein by reference.

Exhibit D contains affidavits in support of FPL's First Request for Extension of Confidential Classification. Also included is a computer diskette containing the electronic version of FPL's First Request for Extension of Confidential Classification, in WordPerfect version 6/7/8.

- AFA 1
- APP
- CAF
- CMJ
- CTR
- EAG 1
- LEG 1
- MAS
- OPC
- RRR
- SEC 1
- WAW
- OTH

Pursuant to rule 25-22.006(3)(d) of the Florida Administrative Code, FPL requests confidential treatment of the documents in Exhibit A, pending disposition of FPL's First Request for Extension of Confidential Classification.

RECEIVED & FILED
Mark R.
FPSC-BUREAU OF RECORDS

(00395-98 + 13247-97)
DOCUMENT NUMBER-DATE

15741 DEC 27 99

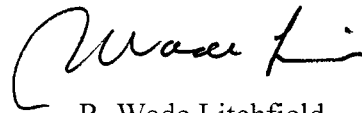
FPSC-RECORDS/REPORTING

Ms. Blanca S. Bayò
Director of Records and Reporting
Florida Public Service Commission
December 27, 1999
Page 2

Please do not hesitate to contact me should you or your Staff have any questions regarding this filing.

Thanking you for your attention to this matter, I remain,

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Wade Litchfield".

R. Wade Litchfield

RWL/jsb
Enclosures

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In the Matter of Florida Power &)
Light Company's Request for)
Confidential Classification in)
the Conservation Cost Recovery)
Audit)
_____)

DOCKET NO. 980002-EG

FILED: December 27, 1999

**FIRST REQUEST FOR EXTENTION OF
CONFIDENTIAL CLASSIFICATION
OF CERTAIN MATERIAL OBTAINED DURING
THE CONSERVATION COST RECOVERY AUDIT**

NOW, BEFORE THE COMMISSION, through undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to rule 25-22.006 of the Florida Administrative Code and section 366.093 of the Florida Statutes, hereby submits its First Request for Extension of Confidential Classification of certain material provided to the Florida Public Service Commission ("FPSC" or "Commission") staff ("Staff") in connection with the Conservation Cost Recovery Audit (Audit Control No. 97-269-4-1) (the "Audit"). In support of its Request, FPL states as follows:

1. Petitioner's name and address are:

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

DOCUMENT NUMBER-DATE

15741 DEC 27 99

FPSC-RECORDS/REPORTING

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

William G. Walker, III
Florida Power & Light Company
Vice President
215 South Monroe Street
Suite 810
Tallahassee, Florida 32301-1859
(850) 224-7595

R. Wade Litchfield
Florida Power & Light Company
Senior Attorney
700 Universe Boulevard
Juno Beach, Florida 33408-0420
(561) 691-7101
(561) 691-7103 Facsimile

2. On January 8, 1998, FPL filed with the Commission its Request for Confidential Classification of certain materials obtained during the Audit. FPL's initial filing consists of the Request for Confidential Classification and Exhibits A through F.

3. By Order No. PSC-98-1024-CFO-EG, dated July 28, 1998, the Commission granted FPL's request.

4. The period of confidential treatment granted by the Commission will soon expire. The information that was the subject of FPL's January 8, 1998 Request warrants continued treatment as proprietary and confidential business information with the meaning of Section 366.093. Accordingly, FPL hereby submits its First Request for Extension of Confidential Classification.

5. FPL incorporates herein by reference Exhibits A, B and C from its January 8, 1998 filing.

6. Included herewith and made a part hereof is Exhibit D. Exhibit D consists of the Affidavits of Rick Del Cueto and Dennis Brandt which Affidavits shall replace Exhibits D and E previously filed January 8, 1998.

7. FPL submits that such information is proprietary confidential business information within the meaning of section 366.093(3). Pursuant to section 366.093, such materials are entitled to

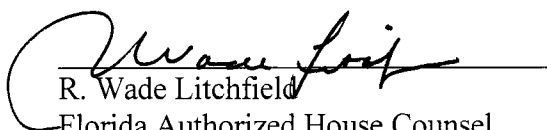
confidential treatment and are exempt from the disclosure provisions of the public records law. Thus, once the Commission determines that the information in question is proprietary confidential business information, the Commission is not required to engage in any further analysis or review such as weighing the harm of disclosure against the public interest in access to the information.

8. The statutory bases for FPL's assertion of confidentiality with regard to each document or portion thereof are set forth in the Justification Table under the column titled "FLORIDA STATUTE 366.093(3)." The letters (a) through (f) refer to subsections of section 366.093(3), as applicable. Support for FPL's Request for Confidential Classification of the referenced material is provided through the affidavits of Rick Del Cueto and Dennis Brandt. The Justification Table identifies the affiant attesting to the basis for FPL's assertion of confidentiality with regard to each document or portion thereof. The materials at issue contain information that is or is related to internal audit reports, customer account information, contract pricing information, and employee personnel information unrelated to compensation, duties, qualifications or responsibilities. Nothing has changed since the issuance of Order no. PSC 98-1024-CFO-EG to render the information stale or public such that continued confidential treatment would not be appropriate.

9. Upon a finding by the Commission that the material in Exhibit A of the January 8, 1998 filing for which FPL seeks confidential treatment continues to be proprietary confidential business information within the meaning of section 366.093(3). Pursuant to section 366.093(4) such materials should not be declassified for the additional periods of confidentiality established by the Commission and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business. With respect to social security numbers of employees, FPL requests that the Commission extend confidential classification for an indefinite period.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Wade Litchfield", is written over a horizontal line. The signature is cursive and stylized.

R. Wade Litchfield
Florida Authorized House Counsel
Attorney for
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
(561) 691-7101

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

STATE OF FLORIDA)
)
MIAMI-DADE COUNTY)

AFFIDAVIT OF RICK DEL CUETO

Before me the undersigned authority personally appeared Rick Del Cueto who, being first duly sworn, deposes and says:

1. My name is Rick Del Cueto. 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. All matters identified as exempt from disclosure pursuant to 366.093(3)(b) consist of information related to internal auditing controls and reports of internal auditors. The confidentiality of the information has been maintained by FPL.

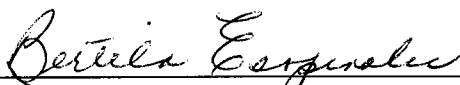
3. The obtained materials should remain confidential for a period of not less than 18 months and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can maintain the confidential nature of these documents.

4. Affiant says nothing further.



Rick Del Cueto

SWORN TO AND SUBSCRIBED before me this 16 day of Dec., 1999, by Rick Del Cueto, 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:



Bertila Estopinales
MY COMMISSION # CC802392 EXPIRES
January 14, 2003
BONDED THRU TROY FAIM INSURANCE, INC.

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

STATE OF FLORIDA)
)
MIAMI-DADE COUNTY)

AFFIDAVIT OF RICK DEL CUETO

Before me the undersigned authority personally appeared Rick Del Cueto who, being first duly sworn, deposes and says:

1. My name is Rick Del Cueto. 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. All matters identified as exempt from disclosure pursuant to 366.093(3)(b) consist of information related to internal auditing controls and reports of internal auditors. The confidentiality of the information has been maintained by FPL.

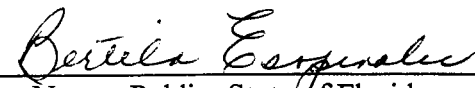
3. The obtained materials should remain confidential for a period of not less than 18 months and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can maintain the confidential nature of these documents.

4. Affiant says nothing further.



Rick Del Cueto

SWORN TO AND SUBSCRIBED before me this 16 day of Dec., 1999, by Rick Del Cueto, 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:



Bertila Estopinales
MY COMMISSION # CC802392 EXPIRES
January 14, 2003
BONDED THRU TROY FAWN INSURANCE, INC.

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

STATE OF FLORIDA)
)
MIAMI-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 Director of Sales and Marketing Product Support and Services. 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 “(g)” on the justification matrix (Exhibit C) consist of information related to or derived from certain customers’ account information. Such information is intended to be and is treated by FPL as private in that disclosure of the information could cause harm to its customers. FPL has maintained and continues to maintain the confidentiality of such information and does not disclose such information to third parties except as required by law or with the permission of the customer.

3. All matters identified as exempt from disclosure pursuant to Florida Statute Section 366.093(3) with lines marked “(h)” on the justification matrix (Exhibit C) consist of information related to or derived from contract pricing information of certain FPL energy conservation vendors. Such information is intended to be and is treated by FPL as private in that the disclosure of the information would cause competitive harm to such vendors. FPL has maintained and continues to maintain the confidentiality of such information and does not disclose such information to third parties except as required by law or with the permission of the applicable vendor.

4. Affiant says nothing further.



Dennis Brandt

SWORN TO AND SUBSCRIBED before me this 16 day of Dec., 1999, by
Dennis Brandt, who is personally known to me or who has produced _____
(type of identification) as identification and who did take an oath.

Bertila Estopinales
Notary Public, State of Florida

My Commission Expires:



Bertila Estopinales
MY COMMISSION # CC802392 EXPIRES
January 14, 2003
BONDED THRU TROY FAIN INSURANCE, INC.