

(305) 552-4657

February 27, 2002



VIA HAND DELIVERY

Ms. Blanca S. Bayó, Director Division of the Commission Clerk and Administrative Services Florida Public Service Commission 2540 Shumard Oak Boulevard, Room 110 Tallahassee, FL 32399-0850

020002-EE

FPSC-COMMISSION CLERK

Re: Florida Power & Light Company's First Request For Extension Of Confidential Classification Granted by Order No. PSC-00-1569-CFO-EG of Certain Material Obtained During The Energy Conservation Cost Recovery Audit

Dear Ms. Bayó:

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 Granted by FPSC Order No. PSC-00-1569-CFO-EG. Exhibits A, B, C and E from the previous filing subject to Order No. PSC-00-1569-CFO-EG are incorporated herein by reference.

Exhibit D contains the affidavit of Dennis Reynolds 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 in WordPerfect format.

Pursuant to rule 25-22.006(9)(c) of the Florida Administrative Code, FPL requests AUS -eonfidential treatment of the information identified in Exhibit A and in Order No. PSC-00-1569-CAF CFO-EG pending disposition of FPL's First Request for Extension of Confidential CMP Classification. COM CTR (CONF. DN5 08718-00 5 09551-00 ECR GCL OPC MMS DUUINE MUMDER D & FILED SEC OTH 02303 FEB 27 ₽

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Finally, enclosed is an additional copy of FPL's First Request For Extension of Confidential Classification. Please stamp file this additional copy and return to FPL at your convenience.

Please do not hesitate to me at (305) 552-4657 should you or your Staff have any questions regarding this filing.

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

Sincerely,

Robert E. Stone Attorney

RES/sm

Enclosures

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In the matter of Florida Power & Light Company's Request for Extension of Confidential Classification by Order No. PSC-00-1569-CFO-EG In Docket No. 000002-EG

DOCKET NO. O20002EC

FILED: February 27, 2002

FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION GRANTED BY ORDER NO. PSC-00-1569-CFO-EG OF CERTAIN MATERIAL OBTAINED DURING THE ENERGY 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 Granted by Order No. PSC-00-1569-

CFO-EG of the Florida Public Service Commission ("FPSC" or "Commission") issued in

Docket No. 000002-EG in the Energy Conservation Cost Recovery Audit (Audit Control

No. 00-047-4-1) (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

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

William G. Walker, III	Robert E. Stone	
Florida Power & Light Company	Florida Power & Light Company	
Vice President	Attorney	
215 South Monroe Street	P.O. Box 029100 - LAW/GO	
Suite 810	Miami, Florida 33102-9100	
Tallahassee, Florida 32301-1859	(305) 552-4657	
(850) 224-7595	(305) 552-4153 (Facsimile)	
	BOCUMENT NUMBED DATE	

02303 FEB 2/8

FPSC-COMMENCELLERK

1.

On August 7, 2000, 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 E.
FPL adopts and incorporates by reference its August 7, 2000 request, including Exhibits A,
B, C (the "Justification Table") and E.

3. By Order No. PSC-00-1569-CFO-EG dated August 31, 2000, the Commission granted FPL's request.

4. Included herewith and made a part hereof is Exhibit D. Exhibit D consists of the Affidavit of Dennis Reynolds, which Affidavit shall replace Exhibit D (Affidavit of Dennis Brandt) previously filed August 7, 2000.

5. The period of confidential treatment granted by the Commission will soon expire. The information that was the subject of FPL's August 7, 2000 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.

6. 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.

7. 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 Extension of Confidential Classification of the referenced material is provided through the Affidavit of Dennis Reynolds. The Justification Table identifies the basis for FPL's assertion of confidentiality with regard to each document or portion thereof. The materials at issue contain customerspecific information for non-governmental customers. In particular, FPL has withheld names of customers on the lists of information provided as attachments to the Report in order to avoid disclosing the specific rate and contract information associated with those customers' accounts. Nothing has changed since the issuance of Order No. PSC-00-1569-CFO-EG to render the information stale or public such that continued confidential treatment would not be appropriate.

8. Accordingly, FPL requests that the information identified in Exhibit A and in Order No. PSC-00-1569-CFO-EG be accorded confidential classification for an additional eighteen month period. FPL further requests that the information be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business.

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 this, 27th day of February, 2002.

Robert E. Stone Attorney for Florida Power & Light Company P.O. Box 029100 - LAW/GO Miami, Florida 33102-9100 (305) 552-4657 (305) 552-4153 (facsimile)

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EXHIBIT D

AFFIDAVIT OF DENNIS REYNOLDS

FEBRUARY 2002

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EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the matter of Florida Power &)	
Light Company's Request for Extension)	DOCKET NO.
of Confidential Classification by)	
Order No. PSC-00-1569-CFO-EG)	
In Docket No. 000002-EG)	
STATE OF FLORIDA)	
)	AFFIDAVIT OF DENNIS REYNOLDS
MIAMI-DADE COUNTY)	

BEFORE ME, the undersigned authority, personally appeared Dennis Reynolds, who, being first duly sworn, deposes and says:

1. My name is Dennis Reynolds. I am currently employed by Florida Power & Light Company ("FPL") as Budget and Regulatory Support Supervisor. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibits A, B, C, D and E of FPL's Request for Confidential Classification of Materials Provided In The Energy Conservation Cost Recovery Clause Audit No. 00-047-4-1/Docket No. 000002-EG filed on August 7, 2000. With respect to Exhibit C, I have reviewed the documents and information for which FPL's Dennis Brandt was listed as Affiant and which were included in Exhibit A to FPL's Request for Confidential Classification filed by FPL on August 7, 2000. Such documents or materials that I have reviewed and which, in whole or in part, are asserted by FPL to be proprietary confidential business information, contain or constitute customer-specific account information with respect to non-governmental customers. Indeed, FPL has a corporate policy not to disclose customer specific information. 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 without the permission of the customer.

3. FPL's policy is premised upon customers' right to privacy and the potential that the disclosure of customer specific information may harm some customers' competitive interests or disclose their trade secrets. FPL's customers have affirmed to FPL their interest in having this information maintained confidential. For many of these customers, electric usage is an important part of their production or operating costs. Thus, the disclosure of rate or contract information, as well as consumption levels or patterns, could provide competitors with commercially sensitive information that would afford such competitors an unfair advantage. For others, non-disclosure of the information is simply a matter of privacy. While it may be that the disclosure of such

information may be more sensitive for some customers than for others, FPL has not sought to make a case-by-case determination as to the level of sensitivity or potential harm with respect to disclosing a particular customer's information; rather, in deference to its customers, as a matter of policy, and in the interest of customer privacy, FPL has not disclosed to third parties specific rate and contract information for non-governmental customers unless required by law or unless the customer consents to such disclosure. This policy is important from both a practical and theoretical standpoint. Customers want the assurance that their information is protected to the same extent as any other customer's. Also, practically speaking, it would be a difficult and perhaps impossible task to make a case-by-case determination as to what level of protection each customer's data may merit.

4. The information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than eighteen months. In addition, 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.

5. Affiant says nothing further.

Dennis Reynolds

Before me, the undersigned authority personally appeared, on this day the $\underline{2}\underline{b}^{\underline{4}}$ day of February, 2002, Dennis Reynolds, who is personally known to me.

Notary Public, State of Florida

HEIDI D ELLENBERGER

Print Name of Notary

My Commission Expires:

