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# Public Service Commission

May 30, 2006

Natalie F. Smith  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420

**RE: Docket 0600038-EI, Request for confidential classification concerning audit 05-292-4-1, FPL 2004/2005 Storm Cost Supplemental Audit, Documents 02260-06, 02261-06, 02262-06, and 02989-06**

Dear Ms. Smith:

We have read FPL's April 3 and May 12, 2006 filings concerning the utility's request for confidential classification of staff audit materials obtained during the recent 2004/2005 Storm Cost Supplemental Audit. We find the following 4 perceived deficiencies in FPL's request for confidential classification:

**Item 1:**

WP 25-2/1-4, page 21

We find a highlighted and redacted copy of this working paper in the filing but this document is not listed on the "justification table" as sensitive. Does FPL intend to request confidentiality for identified portions of this working paper?

**Item 2:**

DMP \_\_\_\_\_ WP 43-2

DOM \_\_\_\_\_ We find that the "justification table" lists this document as sensitive, but does not list any lines as  
DTR \_\_\_\_\_ sensitive nor is a highlighted or redacted copy of this working paper found in the filing. Does FPL  
DCR \_\_\_\_\_ intend to request confidentiality for any portion of this working paper?

DCL \_\_\_\_\_

DPC \_\_\_\_\_

DCA \_\_\_\_\_

DCR \_\_\_\_\_

DGA \_\_\_\_\_

DEC   1  

DTH \_\_\_\_\_

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**Item 3:**

Utility Justification Table

Rule 25-22.006(4), Florida Administrative Code, requires that a request for confidential identify the page and line where confidential is present.

We find that many items listed on the "justification table" filed with FPL's request for confidential classification do not identify which lines contain sensitive information. Staff was able to assign line numbers, as found, from the highlighted and redacted copies. However, we cannot be certain staff's assessment is accurate. We have included a copy of our assessment as enclosure 1. Please identify any changes needed.

**Item 4:**

WP 44-1/1, pages 1-4  
WP 44-1/2, pages 1-4 and 6  
WP 44-1/3, pages 2 and 3  
WP 44-1/4, pages 1-4  
WP 44-1/5, pages 2 and 3  
WP 44-2/1. pages 1-3,3A,4,6,8  
WP 44-2/2, pages 1-5,7

Sections 119.071(5)(a)2. and 3., Florida Statutes provide that State Agencies must provide special treatment for any social security numbers in their custody. Sections 119.071(5)(a)2. and 3., Florida Statutes provide:

"...2. An agency shall not collect an individual's social security number unless authorized by law to do so or unless the collection of the social security number is otherwise imperative for the performance of that agency's duties and responsibilities as prescribed by law. Social security numbers collected by an agency must be relevant to the purpose for which collected and shall not be collected until and unless the need for social security numbers has been clearly documented. An agency that collects social security numbers shall also segregate that number on a separate page from the rest of the record, or as otherwise appropriate, in order that the social security number be more easily redacted, if required, pursuant to a public records request. An agency collecting a person's social security number shall, upon that person's request, at the time of or prior to the actual collection of the social security number by that agency, provide that person with a statement of the purpose or purposes for which the social security number is being collected and used. Social security numbers collected by an agency shall not be used by that agency for any purpose other than the purpose stated. Social security numbers collected by an agency prior to May 13, 2002, shall be reviewed for compliance with this subparagraph. If the collection of a social security number prior to May 13, 2002, is found to be unwarranted, the agency shall immediately discontinue the collection of social security numbers for that purpose.

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3. Effective October 1, 2002, all social security numbers held by an agency are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to all social security numbers held by an agency before, on, or after the effective date of the exemption....”

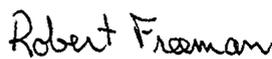
Our review of this filing indicates that the utility provided and the auditor retained social security numbers of employees. These social security numbers are not needed by the Commission and are returned to the utility. Enclosure 2 returns staff's original working papers containing social security numbers to the utility. Enclosure 3 provides FPL with a copy of the revised staff working paper without social security numbers which are now retained in Commission files.

**Responses to perceived deficiencies**

In response to these 4 perceived deficiencies, the utility may provide additional justification as to why this material should be granted a confidential classification. Within 14 days from the date of this letter, as deemed necessary, the utility may modify its pleading, justification, redacted or highlighted copies within its request; otherwise, a recommendation will be presented to the Prehearing Officer based upon the existing record.

If you have any questions concerning this matter, please contact me Robert Freeman at telephone: 850-413-6485 or email: [bfreeman@psc.state.fl.us](mailto:bfreeman@psc.state.fl.us). If you have procedural questions, or if you would like to talk to the assigned staff attorney, please contact Cochran Keating, telephone: 850-413-6193 or email [ckeating@psc.state.fl.us](mailto:ckeating@psc.state.fl.us).

Sincerely,

  
Robert Freeman  
Governmental Analyst

cc: Office of General Counsel (C. Keating) W/O enclosures  
Bureau of Records (Flynn) W/O enclosures  
Bureau of Auditing (Vandiver, Welch)

Enclosures (3): Staff-prepared table presenting page line and justification  
Return of original working paper containing Social Security numbers  
Revised staff working papers

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Enclosure 1

Staff prepared table listing page line and justification

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## **Confidential Materials**

Enclosure 2

Return of original staff working papers containing social security numbers

WP 44-1/1, pages 1-4  
WP 44-1/2, pages 1-4 and 6  
WP 44-1/3, pages 2 and 3  
WP 44-1/4, pages 1-4  
WP 44-1/5, pages 2 and 3  
WP 44-2/1. pages 1-3,3A,4,6,8  
WP 44-2/2, pages 1-5,7

(30 pages)

## **Confidential Materials**

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Enclosure 3

Copies of current working papers in Commission files

WP 44-1/1, pages 1-4  
WP 44-1/2, pages 1-4 and 6  
WP 44-1/3, pages 2 and 3  
WP 44-1/4, pages 1-4  
WP 44-1/5, pages 2 and 3  
WP 44-2/1, pages 1-3,3A,4,6,8  
WP 44-2/2, pages 1-5,7

(30 pages)