

COMMISSIONERS:  
MATTHEW M. CARTER II, CHAIRMAN  
LISA POLAK EDGAR  
NANCY ARGENZIANO  
NATHAN A. SKOP  
DAVID E. KLEMENT

STATE OF FLORIDA



DIVISION OF REGULATORY COMPLIANCE  
BETH W. SALAK  
DIRECTOR  
(850) 413-6600

Public Service Commission

November 3, 2009

RECEIVED-FPSC  
09 NOV -4 PM 4:00  
COMMISSION  
CLERK

Ilan Kaufer  
Attorney for Florida Power & Light Company  
700 Universe Boulevard -- Law/JB  
Juno Beach, Florida 33408-0420

**Re: Docket No. 080677-EI, July 30, 2009, Request for confidential classification for PSC staff audit working papers prepared during the rate case audit for the year ended December 31, 2008, audit control number 09-110-4-1, documents numbered 06926-09, 06927-09, 06928-09, 06929-09, 06930-09, 06931-09, 06932-09, 06933-09 and 07819-09**

Dear Mr. Kaufer:

We have read FPL's July 30, 2009, request for confidential classification for certain portions of the staff audit working papers in response to staff's "Florida Power & Light Company's Rate Case Audit for the Year Ended December 31, 2008" and find the following 2 perceived issues:

Issue 1:

All Pages

According to Section 366.093(3)(f), Florida Statutes (F.S.), employee personnel information related to compensation, duties, qualifications, or responsibilities does not appear to be eligible for a confidential classification. The request will need to be revised to appropriately identify employee personnel information concerning compensation, duties, qualifications, and duties for which a confidential classification is requested. In the current request, this category of information is not uniformly and consistently identified. Further, the utility should provide additional justification as to why the employee information should be granted a confidential classification for this particular request.

*Staff Note: Please see:*

*Commission Order 25237, dated October 22, 1991, issued in Docket Numbered 900960-TL, and*

*Commission Order PSC-92-0135-CFO-TL, dated February 3, 1994, issued in Dockets Numbered 920260-TL, 910163-TL, 910727-TL, 900960-TL and 911034-TL.*

*Further, we note Commission Order PSC-09-0568-CFO-EI, dated August 20, 2009, issued in Docket Numbered 080677-CFO-EI, is on appeal.*

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

An Affirmative Action / Equal Opportunity Employer

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

COM \_\_\_\_\_  
ECR \_\_\_\_\_  
GCL \_\_\_\_\_  
OPC \_\_\_\_\_  
RCP \_\_\_\_\_  
SSC \_\_\_\_\_  
SGA \_\_\_\_\_  
ADM \_\_\_\_\_  
CLK \_\_\_\_\_

*K. Pena*

DOCUMENT NUMBER-DATED  
1120 NOV -4 09  
COMMISSION CLERK

Staff also found numerous instances within the general contract documents where employee information was identified as sensitive. Typically, the contractual documents identify the Utility employees approving contracts or the employees acting as the Utility liaison for the contract. Accordingly, this employee information contained in the contractual documents identifies employee duties and responsibilities, and thus this information should also be identified, and also a justification should be presented as to why the duties and responsibilities of the Utility employees should be granted a confidential classification.

## **Issue 2**

WP 44-18 series

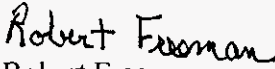
Within the WP 44-18 series, the utility has requested a confidential treatment for its transactions with Florida public entities. Generally, information concerning Florida governmental entities is considered public. Please, further explain why this information provided to, or obtained from, Florida governmental entities should be granted a confidential classification.

## **Response to the Perceived Deficiencies**

Within 21 days from the date of this letter, as deemed necessary, the utility may modify its pleading, justification, redacted or highlighted copies within its request with the Commission Clerk; otherwise, a recommendation will be presented to the Prehearing Officer based upon the existing record.

If you have any technical 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 would like to talk to the staff attorney assigned to this matter, you may contact Lisa Bennett at (850) 413-6230 or email [lbennett@psc.state.fl.us](mailto:lbennett@psc.state.fl.us).

Sincerely,

  
Robert Freeman  
Senior Government Analyst  
Bureau of Audit

CC: Office of General Counsel (Bennett)  
Office of Commission Clerk (McLean, Cole)