



# Public Service Commission

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COMMISSION  
CLERK

**DATE:** November 8, 2010

**TO:** Office of the Commission Clerk (Pena, Cole)

**FROM:** Division of Regulatory Compliance and Consumer Assistance (Freeman, Prestwood) F CP

**RE:** Docket 100009-EI, Nuclear Cost Recovery Clause, Recommendation to declassify documents 06721-08 and 06722-08 pertaining to information found upon page 3 of staff's audit report titled "Florida Power and Light Company Supplemental Report Nuclear Uprate Cost Recovery Clause for the Twelve Months Ended December 31, 2007", Audit Control Number 08-065-4-1

Please declassify and return Document Nos. 06721-08 and 06722-08 to the Bureau of Audit .

On July 30, 2008, during the audit exit conference, FPL requested that certain portions of staff's audit report prepared for the audit titled "Florida Power and Light Company Supplemental Report Nuclear Uprate Cost Recovery Clause for the Twelve Months Ended December 31, 2007" be held in a temporary confidential classification. FPL requested that page 3 of the audit report, titled "Internal Audit Findings", be temporarily exempted from public access in accordance with the provisions of Rule 25-22.006(3)(a)2., Florida Administrative Code (FAC).

In accordance with Rule 25-22.006(3)(a)2., if 21 days lapse after the audit exit conference, and the utility has not made a formal request for a confidential classification, confidentiality is considered waived. More than 21 days have passed since the audit exit conference, and therefore we recommend that confidentiality be considered waived for the staff audit report pages identified here.

On August 6, 2008, this material was also presented to FPL along with other staff audits for use at hearing in this case (Document 06909-08), and once again, the utility did not request a confidential classification for this portion of staff's supplemental audit report (See Documents 07982-08 and 08271-10).

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Therefore, because FPL has not requested a confidential classification of these staff documents, we recommend that confidentiality be considered waived for Documents 06721-08 and 06722-08, and therefore these documents should be declassified and returned to the Bureau of Audit.

CC: Office of Auditing and Performance Analysis (Welch)  
Office of General Counsel (Young)

*Pena*

DOCUMENT NUMBER-DATE

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