

State of Florida



Public Service Commission

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-M-E-M-O-R-A-N-D-U-M- COMMISSION CLERK

DATE: September 19, 2011
TO: Keino Young, Senior Attorney, Office of the General Counsel
FROM: Robert L. Fisher, Government Analyst II, Office of Auditing and Performance Analysis *RF*
RE: Document Nos. 05781-10, 06931-10 and 06974-10 *110009-EI*

This memo addresses the confidential handling of Documents 05781-10, 06931-10, and 06974-10. Following the August 20, 2010 Confidential Evidentiary Hearing in Docket No. 100009-EI, the Commission issued Order No. PSC-10-0540-CFO-EI. This order noted that FPL withdrew its original request for confidential treatment (Document 05780-10) at the hearing and provided a revised redacted version of the staff audit report (Document 06931-10). The staff audit report with the FPL revised redactions was attached to and made part of the Order as ATTACHMENT A.

Pursuant to its statements at the hearing, and by filing the redacted copy, FPL withdrew its prior request for confidential classification. The Order determined that, "all prior requests for confidentiality of staff's audit report are superseded by FPL's filing of ATTACHMENT A and are deemed withdrawn". It also found that based on affidavits, testimony at the hearing, and explanations by FPL legal staff, the Order noted that, redacted information in the attached audit report meets the requirements of Section 366.093(3), F.S.

Therefore, Order No. PSC-10-0540-CFO-EI granted the confidentiality of FPL's request represented by Document No. 06931-10 and makes moot any need for further action on Document Nos. 05781-10 and 06974-10. Document 06974-10 was filed by FPL after the Confidential Evidentiary Hearing to document the Order and is not needed. Document No. 06931-10, for which confidential classification has been granted in the Order, should remain in docket 100009-EI under confidential treatment for a period of 18 months from the date of issuance of the Order.

We have filed this recommendation in the 110009-EI docket since the 100009-EI docket is closed. If you have any questions, or wish to discuss this recommendation further, please call.

DOCUMENT NUMBER-DATE

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