



Ilan Kaufer  
 Attorney  
 Florida Power & Light Company  
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Aug 19, 2009

**VIA HAND DELIVERY**

Ms. Ann Cole, Director  
 Division of the Commission Clerk and  
 Administrative Services  
 Florida Public Service Commission  
 Betty Easley Conference Center  
 2540 Shumard Oak Boulevard, Room 110  
 Tallahassee, FL 32399-0850

RECEIVED-FPSC  
 09 AUG 19 PM 3:00  
 COMMISSION  
 CLERK

Re: Docket No. 090002-EG

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") in the above docket are an original and seven (7) copies of FPL's Request for Confidential Classification of Information Provided Pursuant to Audit No. 09-028-4-1. The original includes Exhibits A, B, C, and D.

Exhibit A contains the confidential information that is subject to FPL's request for Confidential Classification and is marked "Exhibit A - Confidential." Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C contains the statutory justification for the request for confidential classification. Exhibit D contains the original affidavits of Damaris Rodriguez, Anita Sharma, Alissa E. Ballot, and Robert Onsgard.

Also included herewith is a computer CD containing FPL's Request for Confidential Classification and Exhibit C. The diskette is HD density, the operating system is Windows ECR XP, and the processing software is Word. Please contact me should you or your Staff have any GCL questions regarding this filing.

- COM \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL 1 + G
- OPC \_\_\_\_\_
- RCP 5
- SSC \_\_\_\_\_
- SGA \_\_\_\_\_
- ADM \_\_\_\_\_
- CLK 1 Enclosures

Sincerely,

Ilan G. Kaufer on behalf of  
 Florida Power & Light Company

cc: Service List (w/out Exhibits)

DOCUMENT NUMBER-DATE

08664 AUG 19 8

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Energy Conservation Cost            )  
Recovery Clause                                )  
\_\_\_\_\_)

DOCKET NO. 090002-EG

Filed: August 19, 2009

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION  
PROVIDED PURSUANT TO AUDIT NO. 09-028-4-1**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company (“FPL”) requests confidential classification of certain information provided to the Florida Public Service Commission (“FPSC” or “Commission”) staff (“Staff”) in connection with its audit of FPL’s Energy Conservation Cost Recovery Clause (Audit Control No. 09-028-4-1; hereinafter the “ECCR Audit”) in this docket. In support of its Request, FPL states as follows:

1. During the ECCR Audit, Staff requested access to various FPL reports and other documents, portions of which became working papers of the auditors. By letter dated July 29, 2009, Staff indicated its intent to retain certain working papers for which confidential treatment previously had been requested (the “Working Papers”). Pursuant to Rule 25-22.006(3)(a), FPL was given 21 days from the date of that letter, or until August 19, 2009, to file a formal request for confidential classification with respect to the Working Papers. This Request is intended to request confidential classification of the confidential portions of the Working Papers consistent with Rule 25-22.006(3)(a).

2. The following exhibits are included with and made a part of this request:

a. Composite Exhibit A consists of copies of the Working Papers, on which all information that FPL asserts is entitled to confidential treatment has been highlighted.

b. Composite Exhibit B consists of an edited version of Exhibit A on which all information FPL asserts is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing a line-by-line and page-by-page identification of the information for which confidential classification is sought, and, with regard to each document or portions thereof, references to the specific statutory basis or bases for the claim of confidentiality and to the affidavits in support of the requested classification.

d. Exhibit D is comprised of the original affidavits of Damaris Rodriguez, Alissa E. Ballot, Anita Sharma, and Robert Onsgard.

3. FPL seeks confidential protection for the information highlighted in Exhibit A. The highlighted information is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. The information is intended to be, and has been, treated by FPL as private, and its confidentiality has been maintained.

4. Pursuant to Section 366.093, Florida Statutes, the information highlighted in Exhibit A is entitled to confidential treatment and is 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.

5. The statutory bases for FPL's assertion of confidentiality with regard to each document or portion thereof are set forth in Exhibit C under the column titled "FLORIDA STATUTE 366.093(3) SUBSECTION." The letters in that column refer to the subsection(s) of Section 366.093(3), Florida Statutes, that provide justification for FPL's request. Further support for FPL's request for confidential classification of the referenced information is provided


through the affidavits that are included as Exhibit D to this Request. As the affidavits included in Exhibit D indicate, the information provided by FPL contains information concerning internal auditing controls and reports of internal auditors. Such information is protected by Section 366.093(3)(b), Florida Statutes. The information provided by FPL also includes information concerning bids or other contractual data, the disclosure of which would impair FPL's efforts to contract for goods or services on favorable terms in the future. Such information is protected by section 366.093(3)(d), Florida Statutes. The information provided by FPL also includes information which is competitively sensitive, and its disclosure would impair the competitive interests of FPL or its vendors. Such information is protected by section 366.093(3)(e), Florida Statutes.

6. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, is proprietary confidential business information, the information should not be declassified for a period of at least eighteen (18) months and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business. *See* § 366.093(4).

**WHEREFORE**, for the foregoing reasons, Florida Power & Light Company respectfully requests confidential classification of the documents identified in this Request be granted.

Respectfully submitted,

John T. Butler, Managing Attorney  
Ilan G. Kaufer, Attorney  
Florida Power & Light Company  
700 Universe Blvd. – Law/JB  
Juno Beach, Florida 33408-0420  
Telephone: 561-304-5675  
Fax: 561-691-7135

By:   
Ilan G. Kaufer on behalf of  
Florida Power & Light Company  
Fla. Bar No. 65394

**CERTIFICATE OF SERVICE**  
**Docket No. 090002-EG**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification (\*) has been furnished by hand delivery (\*\*) or U.S Mail on August 19, 2009, to the following:

Katherine Fleming\*\*  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Office of Public Counsel  
J. R. Kelly, Esq.  
Patricia Ann Christensen, Esq.  
Charlie Beck, Esq.  
c/o The Florida Legislature  
111 West Madison St., Room 812  
Tallahassee, FL 32399-1400

Beggs & Lane Law Firm  
Jeffrey Stone/Russell Badders/Steven Griffin  
P.O. Box 12950  
Pensacola, FL 32591-2950

Florida Public Utilities Company  
Marc S. Seagrave  
P. O. Box 3395  
West Palm Beach, FL 33402-3395

Florida Industrial Power Users Group  
John W. McWhirter, Jr.  
c/o McWhirter Law Firm  
400 North Tampa Street, Suite 2450  
Tampa, FL 33602

Ausley Law Firm  
Lee Willis/James Beasley  
P.O. Box 391  
Tallahassee, FL 32302

Gulf Power Company  
Ms. Susan D. Ritenour  
One Energy Place  
Pensacola, FL 32520-0780

Tampa Electric Company  
Paula K. Brown  
Regulatory Affairs  
P. O. Box 111  
Tampa, FL 33601-0111

Messer Law Firm  
Norman H. Horton, Jr.  
P.O. Box 15579  
Tallahassee, FL 32317

Keefe Law Firm  
Vicki Gordon Kaufman/Jon C. Moyle, Jr.  
118 North Gadsen Street  
Tallahassee, FL 32301

Progress Energy Service Company, LLC  
John T. Burnett  
P.O. Box 14042  
St. Petersburg, FL 33733-4042

Progress Energy Florida, Inc.  
Mr. Paul Lewis, Jr.  
106 East College Avenue, Suite 800  
Tallahassee, FL 32301-7740

By: \_\_\_\_\_



Ilan G. Kaufer  
Fla. Bar No. 65394

\* The exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.

## EXHIBIT C

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Work Papers  
**AUDIT:** FPL, Energy Conservation Cost Recovery  
**AUDIT CONTROL NO:** 09-028-4-1  
**DOCKET NO.** 090002- EG

Work paper No.	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
8-1	BOD- Committee Notes	3	Y	Pgs. 1-3, ALL	(e)	A. Ballot
9	List of Internal Audits	4	Y	Pgs. 1-4, Col. A	(b)	R. Onsgard
9-1	Internal Audit Notes	3	Y	Pgs. 1-3, ALL	(b)	R. Onsgard
41-3	Billing Sample-CILC	11	Y	Pgs. 1-11, Cols. A-C & J-N	(e)	A. Sharma
41-3/1	Billing Test- CILC	2	Y N	Pg. 1, Lns. 2-4 Pg. 2	(e)	D. Rodriguez
41-3/2	Billing Test- CILC	2	Y N	Pg. 1, Lns. 2-4 Pg. 2	(e)	D. Rodriguez
41-3/3	Billing Test- CILC	2	Y N	Pg. 1, Lns. 2-4 Pg. 2	(e)	D. Rodriguez
41-3/4	Billing Test- CILC	2	Y N	Pg. 1, Lns. 2-4 Pg. 2	(e)	D. Rodriguez
41-3/5	Billing Test- CILC	2	Y N	Pg. 1, Lns. 2-4 Pg. 2	(e)	D. Rodriguez
41-3/6	Billing Test- CILC	2	Y N	Pg. 1, Lns. 2-4 Pg. 2	(e)	D. Rodriguez
41-3/7	Billing Test- CILC	2	N	Pgs. 1-2		
41-3/8	Billing Test- CILC	2	Y N	Pg. 1, Lns. 2-4 Pg. 2	(e)	D. Rodriguez
41-3/9	Billing Test- CILC	2	N	Pgs. 1-2		
41-3/10	Billing Test- CILC	2	N	Pgs. 1-2		
41-4/1	Billing Test- RLC	2	Y	Pgs. 1-2, Lns. 2-5	(e)	D. Rodriguez
41-4/2	Billing Test- RLC	2	Y	Pgs. 1-2, Lns. 2-5	(e)	D. Rodriguez
41-4/3	Billing Test- RLC	2	Y	Pgs. 1-2, Lns. 1-4	(e)	D. Rodriguez
41-4/4	Billing Test- RLC	2	Y	Pgs. 1-2, Lns. 1-5	(e)	D. Rodriguez
41-4/5	Billing Test- RLC	2	Y	Pgs. 1-2, Lns. 1-4	(e)	D. Rodriguez
41-4/6	Billing Test- RLC	2	Y	Pg. 1, Lns. 1-4 Pg. 2, Lns. 2-5	(e)	D. Rodriguez
41-5/1	Billing Test- SST	2	Y N	Pg. 1, Lns. 2-4 Pg. 2	(e)	D. Rodriguez
41-5/2	Billing Test- SST	2	N	Pgs. 1-2		
41-5/3	Billing Test- SST	2	Y N	Pg. 1, Lns. 2-4 Pg. 2	(e)	D. Rodriguez
41-5/4	Billing Test- SST	2	Y N	Pg. 1, Lns. 2-4 Pg. 2	(e)	D. Rodriguez
43-1/1-1	Payroll Sample Item #1	1	Y	Pg. 1, Lns. 2-3 , 9, 19 & 37	(e)	A. Sharma
43-1/1-2	Payroll Sample Item #2	1	Y	Pg. 1, Lns. 2-3, 9, 22, & 29	(e)	A. Sharma
43-1/1-3	Payroll Sample Item #3	1	Y	Pg. 1, Lns. 2-3, 17, & 22	(e)	A. Sharma
43-1/1-4	Payroll Sample Item #4	1	Y	Pg. 1, Lns. 2-3, 12-13, 15, 18, & 21	(e)	A. Sharma
43-1/1-5	Payroll Sample Item #5	1	Y	Pg. 1, Lns. 2-3, 12-13, 15, 18, & 20	(e)	A. Sharma

Work paper No.	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
43-1/1-6	Payroll Sample Item #6	1	Y	Pg. 1, Lns. 2-3, 12-13, 15, & 17	(e)	A. Sharma
43-1/1-7	Payroll Sample Item #7	1	Y	Pg. 1, Lns. 2-3, 12-13, 18, & 20	(e)	A. Sharma
43-1/1-8	Payroll Sample Item #8	1	Y	Pg. 1, Lns. 2-3, 12, 18, & 20	(e)	A. Sharma
43-1/1-9	Payroll Sample Item #9	1	Y	Pg. 1, Lns. 2-3, 12, 18, & 20	(e)	A. Sharma
43-1/2-2/1	Schedulers Payroll Breakdown	1	N	Pg. 1		
43-1/2-3	Cash Voucher Sample Item # 3	1	Y	Pg. 1, Ln. 4	(e)	A. Sharma
43-1/2-3/1	Cash Voucher Sample Item # 3-Contract	3	Y	Pg. 1, Lns. 1, 4-6 Pg. 2, Lns. 2-3, 8, 10, 18-24 & 32 Pg. 3, Lns. 1-6	(e) (d), (e) (e)	A. Sharma
43-1/2-3/1-1	Cash Voucher Sample Item # 3-Correction	1	N	Pg. 1		
43-1/2-5	Cash Voucher Sample Item # 17	2	Y	Pg. 1, Ln. 4 Pg. 2, Lns. 1-2, 5-9 18-21, & 32	(d), (e) (d), (e)	A. Sharma
43-1/2-6	Cash Voucher Sample Item # 29	3	Y Y	Pg. 1, Lns. 1-4, Cols. A-B Pgs. 2-3, Lns. 1	(d), (e) (e)	A. Sharma
43-1/2-7	Cash Voucher Sample Item # 30	1	Y	Pg. 1, Lns. 1-4, Cols. A-B	(d), (e)	A. Sharma
43-1/2-8	Cash Voucher Sample Item # 31	1	Y	Pg. 1, Lns. 1-4, Cols. A-B	(d), (e)	A. Sharma
43-1/2-9	Cash Voucher Sample Item # 32	1	Y	Pg. 1, Lns. 1-4, Cols. A-B	(d), (e)	A. Sharma
43-1/2-10	Cash Voucher Sample Item # 33	3	Y	Pg. 1, Lns. 1-4, Col. A Pgs. 2-3, Ln. 1	(d), (e) (e)	A. Sharma
43-1/2-11	Cash Voucher Sample Item # 34	1	Y	Pg. 1, Lns. 1-4, Col. A	(d), (e)	A. Sharma
43-1/2-12	Cash Voucher Sample Item # 36	1	Y	Pg. 1, Lns. 1-4, Cols. A-B	(d), (e)	A. Sharma
43-1/2-13	Cash Voucher Sample Item # 37	1	Y	Pg. 1, Lns. 1-4, Cols. A-B	(d), (e)	A. Sharma
43-1/2-14	Cash Voucher Sample Item # 20-24	2	Y	Pg. 1, Col. A Pg. 2, Lns. 5, 20 & 25-26	(d), (e) (e)	A. Sharma
43-1/2-14/1	Technical Potential for Energy Efficiency in Florida Statement of Work	19	N Y	Pgs. 2-19, ALL	(e)	A. Sharma
43-1/2-16/1	Cash Voucher Sample Item # 18	3	Y N N	Pg. 1, Cols. A-F Pg. 2 Pg. 3,	(e)	A. Sharma
43-1/3-1	Journal Voucher Sample Item # 2 and 4	1	Y	Pg. 1, Lns. 5, 20, & 25-26	(e)	A. Sharma
43-1/3-2	CILC True UP-06/08 thru 11/08	1	N	Pg. 1		
43-1/3-3	CILC True UP-12/07 thru 05/08	1	N	Pg. 1		



STATE OF FLORIDA

COMMISSIONERS:  
LISA POLAK EDGAR, CHAIRMAN  
MATTHEW M. CARTER II  
KATRINA J. McMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP



OFFICE OF COMMISSION CLERK  
ANN COLE  
COMMISSION CLERK  
(850) 413-6770

# Public Service Commission

## ACKNOWLEDGEMENT

DATE: August 19, 2009

TO: Ilan G. Kaufer, Esquire

FROM: Marguerite Lockard, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

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This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 090002-EG or, if filed in an undocketed matter, concerning certain portions of working papers to Audit No. 09-028-4-1(DN 08665-09), and filed on behalf of Florida Power & Light Company. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

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