

State of Florida



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COMMISSION CLERK

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

DATE: January 29, 2010
TO: Office of the Commission Clerk (Cole, McLean)
FROM: Bureau of Auditing (Freeman, Prestwood)
RE: Docket 100001-EI, Recommendation for declassification and return of Documents Numbered 06362-02 and 06955-02 pertaining to the staff audit of FPL's Conservation Cost Recovery Clause program for the year ended December 31, 2001, Audit Control Number 02-044-4-1

Please return Document No. 06362-02 to the Bureau of Auditing and return Document No. 06955-02 to the Utility.

History

On June 18, 2002, when copies of certain portions of staff's working papers obtained or prepared during the "FPL Capacity Cost Recovery Clause Audit for the Year Ended December 31, 2001", were delivered to FPL at the audit exit conference, the utility requested that these materials be temporarily exempted from public access in accordance with the provisions of Rule 25-22.006(3)(a)2., Florida Administrative Code (FAC).

On June 20, 2002, staff filed document 06362-02 consisting of those specified portions of the staff working papers.

On July 8, 2002, FPL timely filed a request pursuant to Section 366.093, Florida Statutes (F.S), and Rule 25-22.006, FAC, that selected portions of the working papers prepared by the staff during the audit receive confidential classification. The utility's request included redacted copies for public inspection (Exhibit B, document 06954-02) and highlighted copies (document 06955-02).

On August 29, 2002, after discussions with the staff, FPL filed a revision to its request reducing the amount of material requested as confidential.

On October 21, 2002, Commission Order No. PSC-02-1437-CFO-EI was issued in docket 020001-EI granting the utility's request and providing 18 months confidential classification for the specified material. That 18 month period tolled.

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On April 19, 2004, FPL timely filed a first request for extension of the confidential classification for material granted by Commission Order PSC-02-1437-CFO-EI.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

K. Peña

January 29, 2010

Request for declassification of Documents Numbered 06362-02 and 06955-02

On October 28, 2004, Commission Order No. PSC-04-1057-CFO-EI was issued in docket 040001-EI granting the utility's request and providing an additional 18 months confidential classification for the specified material. That 18 month extension of the classification has tolled.

On April 28, 2006, FPL timely filed a second request for extension of the confidential classification period for this material.

On November 9, 2007, Commission Order No. PSC-07-0908-CFO-EI was issued in docket 070001-EI granting the utility's request and providing an a second additional 18 months confidential classification for the specified material. That second extension of the classification period has now also tolled.

On May 8, 2009, FPL timely filed a third request for extension of the confidential classification period for this material.

On September 15, 2009, after discussions with the staff, FPL withdrew its third request for a confidential classification for this material (Please see Document No. 09562-09).

Documents 06362-02 and 06955-02 are currently held by the Commission's Division of the Commission Clerk and Administrative Services as confidential pending resolution of FPL's request for a 3<sup>rd</sup> extension of confidential classification. However, since the classification period granted by Commission Order PSC-07-0908 has tolled and the Utility no longer is requesting that the confidential classification period for this information be extended a third time, the sensitive material in question should be declassified and returned to the source of the material.

Thus, please return Document No. 06362-02 to the Bureau of Auditing and return Document No. 06955-02 to the Utility.

CC: Bureau of Auditing (Welch)

Division of Commission Clerk and Administrative Services (Harris, Bennett)