



**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Energy Conservation )  
Cost Recovery Clause )

Docket No. 100002-EG  
Filed: September 27, 2010

**FLORIDA POWER & LIGHT COMPANY'S  
SECOND REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION  
OF MATERIALS PROVIDED PURSUANT TO AUDIT NO. 06-040-4-1**

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 material provided to the Staff of the Florida Public Service Commission ("Staff") pursuant to Audit Control No. 06-040-4-1 ("the Audit"). In support of its request, FPL states as follows:

1. On July 12, 2006, FPL filed its Request for Confidential Classification of certain materials obtained pursuant to the Audit, along with Exhibits A through D (the "July 12, 2006 Request"). FPL adopts and incorporates herein by reference Exhibits A and B from its July 12, 2006 Request.
2. By Order No. PSC-07-0169-CFO-EG, dated February 23, 2007, the Commission granted FPL's July 12, 2006 Request.
3. On August 22, 2008, FPL filed its First Request for Extension of Confidential Classification of materials obtained pursuant to the Audit, along with Revised Exhibits C and D (the "August 22, 2008 Request"). FPL adopts and incorporates herein by reference its August 22, 2008 Request and exhibits.
4. By Order No. PSC-09-0191-CFO-EG, dated March 27, 2009, the Commission granted FPL's August 22, 2008 Request.

5. The period of confidential treatment granted by Order No. PSC-09-0191-CFO-EG will soon expire. Some of the information that was the subject of FPL's August 22, 2008 Request warrants continued treatment as proprietary and confidential business information within the meaning of section 366.093(3), Florida Statutes. FPL has identified the information that warrants continued confidential treatment in Revised Exhibit C ("Confidential Information"). Accordingly, FPL hereby submits its Second Request for Extension of Confidential Classification of materials provided pursuant to the Audit.

6. Included herewith and made a part hereof, is a Revised Exhibit A, Revised Exhibit B, Revised Exhibit C, and Revised Exhibit D.

7. As noted above, FPL has determined that only some of the information, which was confidential at the time of the August 22, 2008 Request, warrants continued confidential treatment. Revised Exhibits A and B are not intended to replace Exhibits A and B, which were filed with FPL's July 12, 2006 Request, in their entirety. Revised Exhibits A and B consist of modified copies of the specific working papers where FPL has determined that a portion of the information previously designated as confidential no longer requires confidential treatment. These revised pages are intended to replace the correspondingly numbered working papers FPL filed in Exhibits A and B with its original July 12, 2006 Request. Due to the voluminous nature of the original Exhibits A and B, FPL has included in Revised Exhibits A and B only the specific pages on which the confidentiality designation has changed, and confidentiality is no longer required or requested. The following working papers were revised, and are identified in Revised Exhibits A, B, and C: 8, 9, 9-1, 9-2, and 9-3.

8. FPL has identified all of the information that warrants continued confidential treatment in Revised Exhibit C. Revised Exhibit C contains a table identifying the specific pages,

and the line(s) or column(s) on those pages, which remain confidential. The table also contains references to the specific statutory basis or bases for the claim of confidentiality, and to the affidavits in support of the requested classification. Revised Exhibit C reflects that Damaris Rodriguez, Gary A McBean, and Anita Sharma have been added as affiants in support of the continued confidential classification of the confidential documents.

9. Revised Exhibit D contains the affidavits of Damaris Rodriguez, Gary A. McBean, and Anita Sharma.

10. FPL submits that the information identified in Revised Exhibit C continues to be proprietary and confidential business information within the meaning of section 366.093(3), Florida Statutes. This information is intended to be and is treated by FPL as private, and its confidentiality has been maintained. Pursuant to section 366.093, Florida Statutes, such materials are entitled to confidential treatment and are 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.

11. As the affidavits in Revised Exhibit D indicate, the information that FPL asserts is proprietary and confidential business information contains or constitutes customer specific account information. It is FPL's policy not to disclose customer-specific information, except as required by law, to entities or persons other than the customer absent the customer's consent. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW and kWh, and customer bills. FPL's policy is premised upon customers' right to privacy and the

potential that the disclosure of customer specific information may harm some customers' competitive interests. This information is protected from disclosure pursuant to section 366.093(3)(e), Florida Statutes. Other documents contain or constitute pricing information for specific services, the disclosure of which would impair FPL's competitive interests or those of its vendors. Such information is also protected from disclosure pursuant to section 366.093(3)(e), Florida Statutes.

12. Additionally, some documents include competitively sensitive information related to certain employees' compensation. Public disclosure of compensation information would enable competing employers to meet or beat the compensation currently offered, resulting in the loss of talented employees, or conversely, the need to increase the level of compensation already paid in order to retain these employees and attract new talent. The quality of service and the cost of service implications would be detrimental to FPL and its customers. Such information is protected by Section 366.093(3)(e), Florida Statutes.

13. Nothing has changed since the filing of FPL's August 22, 2008 Request to render the Confidential Information stale or public, such that continued confidential treatment would not be appropriate.

14. Upon a finding by the Commission that the Confidential Information remains proprietary and confidential business information, the information should not be declassified for at least an additional eighteen (18) month period and should be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. *See* § 366.093(4), Fla. Stat.

**WHEREFORE**, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavits included herewith, Florida Power & Light Company respectfully requests that its Second Request for Extension of Confidential Classification of Materials Provided Pursuant to Audit No. 06-040-4-1 be granted.

Respectfully submitted,

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**CERTIFICATE OF SERVICE  
DOCKET NO. 100002-EG**

I HEREBY CERTIFY that a true and correct copy of this Request for Confidential Classification (without exhibits) was served via hand delivery\* or by U.S. Mail this 27th day of September, 2010, to the following:

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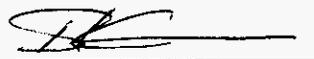
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**Re: Acknowledgement of Confidential Filing in Docket No. 100002-EG**

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on September 27, 2010, in the above-referenced docket.

Document Number 08082-10 has been assigned to this filing, which will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.