

State of Florida



Public Service Commission

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COMMISSION
CLERK

DATE: February 7, 2011

TO: Office of the Commission Clerk (McLean, Nettles)

FROM: Office of Auditing and Performance Analysis (Prestwood, Deamer) *sf ad*

RE: Docket 110000, Undocketed filings for 2011, Recommendation to Grant a Claim of Confidentiality to Materials Pertaining to the "Review of the 2009 Regulatory Assessment Fee for FPL Fibernet, LLC, Company Code TA053", Audit Control Number 10-179-4-4, Documents 08824-10 and 09272-10

On October 19, 2010, at the audit exit conference held for the "Review of the 2009 Regulatory Assessment Fee for FPL Fibernet, LLC TA053," FPL Fibernet requested that certain information obtained by staff auditors from company records be granted a temporary confidential classification.

On October 22, 2010, staff filed that material in a temporary confidential status with the Office of the Commission Clerk (Document No. 08824-10).

On November 9, 2010, pursuant to Section 366.093, Florida Statutes (F.S.) and Rule 25-22.006, Florida Administrative Code (FAC), FPL requested that certain material pertaining to this review be granted a confidential classification. FPL Fibernet has filed a public copy of the information with the sensitive information redacted (Document No. 09273-10) and filed a confidential copy of the information with the sensitive information highlighted (Document No. 09272-10).

While this material qualifies for a confidential classification pursuant to the provisions governing the electric utility industry (Section 366.093, F.S.), this information reports the competitive telecommunications operations of FPL Fibernet, LLC, and FPL affiliate which provides private lines services (AAV) in the competitive telecommunications market; therefore, these materials are eligible for a Claim of Confidentiality which is applied to telecommunications information as provided by Section 364-183(1), F.S., and Rule 25-22.006(5), FAC.

Telecommunications companies may claim that sensitive information should be held as confidential by the Commission. "Claimed" confidential information may be held by the Commission as confidential for an unlimited time period without an initial formal evaluation, and it is not necessary for the Commission to issue an Order to effect the claim.

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request was made, then at that time, the telecommunications company would have to make a formal request for a confidential classification for the sensitive information as set out by Rule 25-22.006(4), FAC.

It is the staff's opinion that granting a claim of confidentiality to documents 08824-10 and 09272-10 best responds to FPL Fibernet's request; thus these documents should be held as claimed confidential.

Records retention requirements are expected to toll for these materials on June 30, 2016. At that time, Document No. 08824-10 may be destroyed and Document 09272-10 may be returned to the source.

Further, we are sending a copy of this recommendation to FPL Fibernet, LLC, to explain that pursuant to the provisions set out in Section 364.183(1), F.S., and Rule 25-22.006(5), FAC, a claim of confidentiality has been granted to these materials.

Cc: Office of General Counsel (Brown)
FPL Fibernet, LLC, (Mr. Ilan Kaufer, 9250 West Flagler St., Miami, Florida 33714)