



Public Service Commission

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

DATE: January 25, 1999

TO: Division of Appeals (Bellak)

FROM: Division of Auditing and Financial Analysis (Freeman, Vandiver)

RE: Revised recommendation concerning Florida Power & Light Company's (FPL's) request for confidential classification for portions of the staff audit report and portions of the staff audit working papers obtained during the preparation of staff audit report numbered 97-125-4-1, Earnings Review for the 12 months period ended December 31, 1996, Docket No. 971298-EI, Document Nos. 10264-97, 10765-97, 03037-98 and 12140-98

On December 2, 1997, and again on April 2, 1998, technical staff prepared a recommendation for the Division of Appeals (Bellak) regarding this matter. This recommendation supersedes that correspondence in response to revised filings by the utility.

On October 7, 1997, staff filed document 10264-97 consisting of portions of the staff audit report and certain staff working papers prepared during the staff's audit of FPL's earnings for the twelve month period ended December 31, 1996. When copies of certain portions of staff's audit report and working papers were delivered to the utility at the audit exit conference held on September 29, 1997, the utility requested that these documents be temporarily excepted from public access in accordance with the provisions of Rule 25-22.006(3)(a)(2), Florida Administrative Code (FAC).

On October 20, 1997, the utility filed a request pursuant to Rule 25-22.006, FAC, and Section 366.093, Florida Statutes (F.S.), that portions of the staff audit report and working papers prepared by staff during the earnings audit receive confidential classification.

On March 10, 1998, and again on October 30, 1998, after discussions with the staff, the utility filed amendments to its request. Through these amendments, the utility reduced the amount of information covered by the request for confidential classification. The utility's original request for confidential protection and subsequent amendments include highlighted materials (Documents 10765-97, 03037-98, and 12140-98) and redacted copies for public use (Documents 10766-97, 03038-98, and 12139-98).

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Pursuant to Section 119.07, F. S., documents submitted to this Commission are public records. The only exemptions to this law are specific statutory exemptions and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. Subsections 366.093(3)(b),(d) and (e), Florida Statutes, provide the following exceptions:

“Proprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person’s or company’s business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. Proprietary confidential business information includes, but is not limited to:....

- (b) Internal auditing controls and reports of internal auditors....
- (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms.
- (e) “Information related to competitive interests, the disclosure of which would impair the competitive business of the provider of the information....”

According to Section 366.093, F. S., and Rule 25-22.006, FAC, the utility has the burden of demonstrating that materials qualify for specified confidential classification. According to Rule 25-22.006, FAC, the utility must meet this burden by demonstrating that the information is proprietary confidential business information, the disclosure of which will cause the utility, the provider of the information or the ratepayer harm.

Rule 25-22.006(3)(a)(2), FAC, requires filing of a request for confidential classification for material obtained by the Commission auditors within 21 days of the audit exit conference. In this case, the utility’s initial request for confidential protection was filed timely, but amendments to the request were filed more than 21 days after the exit conference. The rule requires good cause shown to waive the 21-day limit.

The responsibility to recommend whether a request is timely filed rests with the Division of Appeals. We recommend to the Division of Appeals that because the extra information provided by utility amendments clears up questions raised by the staff regarding the initial filing, therefore the initial request and both amendments should be considered timely filed.

Staff Analysis of FPL's Request

Analysis of the utility's listing of confidential materials filed with the request reveals the sensitive information presented in the filing generally consists of:

- 1) Portions of the staff audit report based upon sensitive information contained within the working papers.

The utility argues; "...With the respect to [the audit report], the information for which confidential classification is sought has not been publicly disclosed. It has been maintained by FPL as proprietary confidential business information. Its disclosure is likely to impose undue and unreasonable costs on the utility...." (Utility request - second amendment, filed October 30, 1998)

- 2) Internal auditing controls and reports of internal auditors or information describing the results of these reports or controls.

FPL witness Del Cueto attests that the identified information either reports or describes internal auditing controls or the reports of internal auditors. (Utility request - second amendment, Exhibit K, filed October 30, 1998)

- 3) Notes taken from Director's Minutes, Director's Committee Meeting Minutes, and Consents of Directors in Lieu of Meetings.

FPL argues disclosure of this information; "...would tend to reveal corporate strategies or business plans of FPL and/or the parent and other affiliates of FPL. Further, some of this information is subject to nondisclosure agreements with third parties. Release of the information would impair the competitive interests of FPL, and/or the parent and affiliates of FPL. Further, in some cases, release of the information may violate nondisclosure agreements with third parties and impair the competitive business or interests of such entities...." (Utility request - second amendment, filed October 30, 1998)

FPL witness Coyle, General Counsel and Secretary of Florida Power and Light Company, attests that information discussed at the Director's meetings can "contain or constitute information revealing or tending to reveal...corporate strategies or business plans....Such corporate strategies or business plans relate to, among other things, investments, capital and other expenditures, competitive positioning, and litigation...." Witness Coyle also states that to the best of his knowledge and belief, FPL has maintained the confidentiality of these documents and materials. (Second amendment, First amended Exhibit F, filed October 30, 1998)

Staff Analysis of FPL's Request (Continued)

Utility's Listing of Confidential Materials (Continued)

- 4) Notes from, and copies of, certain working papers taken from the utility's external auditor.

Witness Umbaugh, Partner in the accounting firm Deloitte & Touche, attests the information provided from the working papers of the external auditors consists of "audit workpapers containing information relating to the competitive interests of FPL and Deloitte & Touche.... The confidentiality of the information has been maintained by Deloitte & Touche...." Deloitte & Touche is the external auditing firm of the utility. (First Amendment, Exhibit D, filed March 10, 1998)

Witness Babka, FPL Manager of Regulatory and Tax Accounting, also attests the information obtained by the PSC auditors from the workingpapers of Deloitte & Touche contains information pertaining to the competitive interests of FPL and that this information is treated as confidential by FPL. (First amendment, exhibit E, dated March 10, 1998)

- 5) Working papers prepared by staff which contain sensitive information related to "contractual data and pricing information" as well as "competitive interests".

Witness Brock, FPL Director of I/M Operations, attests this material consists "...of information concerning contractual data and pricing information, the disclosure of which would impair FPL's ability to enter into similar type contracts in the future on favorable terms. The information relates to FPL's competitive interests. The disclosure of such information would impair the competitive business of FPL. The confidentiality of the information has been maintained by FPL...."

Through affidavit, the utility and the external auditor assert the confidentiality of the information has been maintained by FPL, FPL Group and the external auditor, respectively.

Staff Recommendation

To qualify for confidential protection, the utility asserts the material qualifies as confidential under at least one of the following specific exemptions of the public records law:

- (1) Internal auditing controls and reports of internal auditors pursuant to Subsection 366.093(3)(b), Florida Statutes.
- (2) Bids and other contractual data pursuant to Subsection 366.093(3)(d), Florida Statutes.
- (3) Information related to competitive interests pursuant to Subsection 366.093(3)(e) Florida Statutes.

Subsections 366.093(3)(d) and (e), F.S., provide disclosure of the information must cause harm to the information provider. Section 366.093(3), F.S., provides that the information must not be publicly disclosed.

After reading the material, we agree the utility's request for confidential classification should be granted because the material meets the descriptions of confidential material described in Section 366.093, Florida Statutes.

Continuation of the Commission's Historical Treatment Regarding the Confidentiality of an External Auditor's Working Papers

The Commission's policy regarding the external auditor's working papers was clearly stated in Commission Order 25297, dated November 5, 1991, as affirmed by Commission Order 92-0135, dated November 15, 1991. In these orders, the Commission found that portions of the external auditor's working papers relate to competitive interests of the external auditor, the disclosure of which would impair the auditor's competitive business. The Commission found that the external auditor's proprietary audit strategy and work program methodology are unique and disclosure of this valuable business information would harm the external auditor. The Commission also found that utility documents and information found within the auditor's work papers do not equate to audit strategy and work program of the utility. The Commission held that materials within external auditor's work papers that merely reveal utility information and documents must qualify on their own merits for confidential protection. We have read the documents in this case associated with the work papers of the external auditor accordingly and recommend that the information that reveals the external auditor's work program or audit strategy be protected as the material relates to the competitive business interests.

Requested Confidential Period

The utility requests that certain information from the Company Director's meetings, Director's Committee meetings, and Consents of Directors remain confidential for 36 months. According to witness Coyle, General Counsel and Secretary of Florida Power and Light Company; "...Corporate strategies and business plans often span periods well in excess of 18 months. Furthermore the disclosure of corporate strategies and business plans, even if superseded, when considered in context can provide competitors with valuable information and insight, such as how the corporation perceives itself vis-a-vis its competitors and how the corporation is likely to react in other markets or circumstances. For these reasons, such information should be maintained as confidential for a period of no less than thirty-six (36) months from the date of this affidavit...." (First Amended Exhibit F, filed October 30, 1998, dated October 27, 1998)

The provisions of Subsection 366.093(4), F.S., restrict the period of confidential protection to 18 months unless a good cause is shown as to why a longer period should be allowed. We agree with the utility that, for good cause shown, the material obtained from the Director's minutes should be protected until October 27, 2001.

For all other documents filed within this request, witnesses Del Cueto, Babka, Umbaugh, and Brock attest that the material should not be declassified for a period of at least 18 months and should be returned to FPL in accordance with section 366.093(4) of the Florida Statutes as soon as the information is no longer necessary for the Commission to conduct its business.

The Commission has addressed a similar request in Commission Order 96-0198, dated February 13, 1996. This procedure applied in the instant case would provide: Documents 10765-97, 03037-98, and 12140-98, present copies of documents prepared or obtained by staff which are filed by the utility in explanation of its filing. These documents should be returned to FPL after the assigned confidential period has expired. The related document numbered 10264-97, however, presents the original Commission staff audit work papers or audit report. These documents should be retained in accordance with the regular retention of staff documents. These papers record work performed, record staff observations during fieldwork, and form the basis for subsequent staff audits. If the utility wants continued confidential treatment beyond the period assigned by this order, the utility must request an extension of the period before the protection tolls.

Based upon reading the filing, and based upon the analysis reported above, we recommend the utility's request for confidential classification be granted for the time period as specifically identified in the following chart. We further recommend that at the end of the confidential classification period, and in accordance with the utility's wishes, that document 10765-97, 03037-98, and 12140-98 be returned to the utility.

Closing the Docket

Lastly, any order which resolves the confidentiality of these items should contain language to close the docket once the order becomes final.

Staff Work Paper Number	Page Number(s)	Lines	Recommend	Reason	Period
Documents 10264-97, 10765-97 and 12140-98					
Audit Report	1	All lines of Paragraphs 1,3,4	Grant	Disclosure of information could harm competitive business interests.	18 mos.
Audit Report	2	All lines of paragraphs 8,9	Grant	Disclosure of information could harm competitive business interests.	18 mos.
4-1/1	1	Lines marked A	Grant	Disclosure of information could harm competitive business interests.	18 mos.
8-4	1	Lines marked A	Grant	Disclosure of information could harm competitive business interests.	36 mos.
8-4	2	Lines marked B,C,D,E,F, G,H,I	Grant	Disclosure of information could harm competitive business interests.	36 mos.
8-4	3	Lines marked J,K,L	Grant	Disclosure of information could harm competitive business interests.	36 mos.

Staff Work Paper Number	Page Number(s)	Lines	Recommend	Reason	Period
Documents 10264-97, 10765-97 and 12140-98					
8-4	4	Lines marked L,M,N,O,P, Q,R,S,T	Grant	Disclosure of information could harm competitive business interests.	36 mos.
8-4	5	Lines marked U	Grant	Disclosure of information could harm competitive business interests.	36 mos.
8-4	7	Lines marked V,W	Grant	Disclosure of information could harm competitive business interests.	36 mos.
8-4	8	Lines marked W	Grant	Disclosure of information could harm competitive business interests.	36 mos.
8-4	9	Lines marked X,Y	Grant	Disclosure of information could harm competitive business interests.	36 mos.
8-4	10	Lines marked Z	Grant	Disclosure of information could harm competitive business interests.	36 mos.

Staff Work Paper Number	Page Number(s)	Lines	Recommend	Reason	Period
Documents 10264-97, 10765-97 and 12140-98					
8-6	1	Lines marked A,B	Grant	Discloses internal audit reports	18 mos.
8-6	2	Lines marked A,B	Grant	Discloses internal audit reports	18 mos.
8-6	3	Lines marked A,B	Grant	Discloses internal audit reports	18 mos.
8-6	4	Lines marked A,B	Grant	Discloses internal audit reports	18 mos.
Documents 10264-97, 10765-97 and 03037-98					
9	1-7,10-16	All	Grant	Disclosure of information could harm competitive business interests.	18 mos.
9	18	1	Grant	Disclosure of information could harm competitive business interests.	18 mos.
9	19-22	All	Grant	Disclosure of information could harm competitive business interests.	18 mos.

Staff Work Paper Number	Page Number(s)	Lines	Recommend	Reason	Period
Documents 10264-97, 10765-97 and 03037-98					
9	25-26	All	Grant	Disclosure of information could harm competitive business interests.	18 mos.
9	28	All	Grant	Disclosure of information could harm competitive business interests.	18 mos.
9	40,41	All	Grant	Disclosure of information could harm competitive business interests.	18 mos.
9	46	All	Grant	Disclosure of information could harm competitive business interests.	18 mos.
9	51-55	All	Grant	Disclosure of information could harm competitive business interests.	18 mos.
9	67,68,69	Column M	Grant	Disclosure of information could harm competitive business interests.	18 mos.

Staff Work Paper Number	Page Number(s)	Lines	Recommend	Reason	Period
Documents 10264-97, 10765-97 and 03037-98					
9	70	Column M line 11	Grant	Disclosure of information could harm competitive business interests.	18 mos.
9	71	Column C,D,E	Grant	Disclosure of information could harm competitive business interests.	18 mos.
9	72,73,74,76,78,79,80,81,87	All	Grant	Disclosure of information could harm competitive business interests.	18 mos.
9	88	Column L	Grant	Disclosure of information could harm competitive business interests.	18 mos.
9	89	1	Grant	Disclosure of information could harm competitive business interests.	18 mos.
9	107	Column C	Grant	Disclosure of information could harm competitive business interests.	18 mos.

Staff Work Paper Number	Page Number(s)	Lines	Recommend	Reason	Period
Documents 10264-97, 10765-97 and 03037-98					
9	110-112	All	Grant	Disclosure of information could harm competitive business interests.	18 mos.
9	113-120	All	Grant	Disclosure of information could harm competitive business interests.	18 mos.
9	127-131	All	Grant	Disclosure of information could harm competitive business interests.	18 mos.
9-1	1-16	All	Grant	Disclosure of information could harm competitive business interests.	18 mos.
9-2	1	All	Grant	Disclosure of information could harm competitive business interests.	18 mos.
9-2/1	1-3	All	Grant	Disclosure of information could harm competitive business interests.	18 mos.

Staff Work Paper Number	Page Number(s)	Lines	Recommend	Reason	Period
Documents 10264-97, 10765-97 and 03037-98					
16-7/1	1-3	All	Grant	Disclosure of information could harm competitive business interests.	18 mos.
16-7/2	1-4	All	Grant	Disclosure of information could harm competitive business interests.	18 mos.
16-7/2-1	1-3	All	Grant	Disclosure of information could harm competitive business interests.	18 mos.
19-3/1	1	All	Grant	Disclosure of information could harm competitive business interests.	18 mos.
19-3/2	1-9	All	Grant	Disclosure of information could harm competitive business interests.	18 mos.
21-7	1-2	All	Grant	Disclosure of information could harm competitive business interests.	18 mos.

Staff Work Paper Number	Page Number(s)	Lines	Recommend	Reason	Period
Documents 10264-97, 10765-97 and 03037-98					
21-7/3-2	1	All	Grant	Disclosure of information could harm competitive business interests.	18 mos.
21-7/7	2	Columns 11,14	Grant	Disclosure of information could harm competitive business interests.	18 mos.
21-7/7	5	Column 12	Grant	Disclosure of information could harm competitive business interests.	18 mos.
21-7/7	6	Column 13	Grant	Disclosure of information could harm competitive business interests.	18 mos.
21-7/8	2	All	Grant	Disclosure of information could harm competitive business interests.	18 mos.
21-7/8-1	1	All	Grant	Disclosure of information could harm competitive business interests.	18 mos.

Staff Work Paper Number	Page Number(s)	Lines	Recommend	Reason	Period
Documents 10264-97, 10765-97 and 03037-98					
22-1/1	1-5	All	Grant	Disclosure of information could harm competitive business interests.	18 mos.
22-1/1-1	1-4	All	Grant	Disclosure of information could harm competitive business interests.	18 mos.
44-1	5	Columns 13,14	Grant	Disclosure of information could harm competitive business interests.	18 mos.
44-1	6	3,4,5,6	Grant	Disclosure of information could harm competitive business interests.	18 mos.

For a limited time, a copy of this recommendation will be retained at I:12140-98.RAF.

CC: Division of Financial Analysis (Slemkewicz, Welch, Wilson, Pelt)
 Division of Electric and Gas (Jenkins)
 Division of Records and Reporting (M. Sanders)

STATE OF FLORIDA

Commissioners:
JOE GARCIA, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYO
DIRECTOR
(850) 413-6770

Public Service Commission

February 15, 1999

Donald L. Babka,
Manager of Regulatory and Tax Accounting
Florida Power & Light Company
9250 West Flagler Street
Miami, Florida 33174

Dear Mr. Babka:

Commission staff have advised that the twenty-five confidential magnetic tapes, identified as Document No. 07434-97, filed on behalf of Florida Power & Light Company, can be returned to the source.

Please do not hesitate to call if you have any questions concerning this matter.

Sincerely,

Handwritten signature of Kay Flynn in cursive.

Kay Flynn, Chief
Bureau of Records

Enclosure

cc: B.J. Halbert, Division of Auditing and Financial Analysis

Received by: Date: 2/15/99 Time: _____

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DIANE K. KIESLING
JOE GARCIA



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

Public Service Commission

A-C-K-N-O-W-L-E-D-G-M-E-N-T

DATE: 03/10/98

TO: Patrick M. Bayon, Esquire

FROM: Blanca S. Bayo, DIVISION OF RECORDS AND REPORTING

RE: ACKNOWLEDGMENT OF RECEIPT OF CONFIDENTIAL FILING

THIS WILL ACKNOWLEDGE RECEIPT OF A CONFIDENTIAL DOCUMENT FILED IN DOCKET NO. 01298-EI OR (IF FILED IN AN UNDOCKETED MATTER) CONCERNING _____, AND FILED ON BEHALF OF PPK (GENERAL DESCRIPTION) _____ THE DOCUMENT WILL BE MAINTAINED IN LOCKED STORAGE.

ANY QUESTIONS REGARDING THIS MATTER SHOULD BE DIRECTED TO KAY FLYNN AT (850) 413-6744.

PSC/RAR 19 (7/97)

STATE OF FLORIDA

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
DIANE K. KIBLING
JOE GARCIA



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

Public Service Commission

A-C-K-N-O-W-L-E-D-G-M-E-N-T

97-298-EI

DATE: *10/20/97*

TO: *Patricia M. Bryson*

FROM: *A. Schmidt*, DIVISION OF RECORDS AND REPORTING

RE: ACKNOWLEDGMENT OF RECEIPT OF CONFIDENTIAL FILING

THIS WILL ACKNOWLEDGE RECEIPT OF A CONFIDENTIAL DOCUMENT
FILED IN DOCKET NO. _____ OR (IF FILED IN AN UNDOCKETED
MATTER) CONCERNING *material obtained during the hearing on 1/24/97* AND
FILED ON BEHALF OF *P. P. K.* (GENERAL DESCRIPTION) THE
DOCUMENT WILL BE MAINTAINED IN LOCKED STORAGE.

ANY QUESTIONS REGARDING THIS MATTER SHOULD BE DIRECTED TO
KAY FLYNN AT (850) 413-6744.

PSC/RAR 19 (1/97)

Case Assignment and Scheduling Record

Section 1 - Division of Research and Records (DRR) Completes

Docket No. 971229-EI Date Doctored: 10/07/1997 Title: Request for confidential classification of certain material obtained during surveillance audit of Florida Power & Light Company. (Audit Control No. 97-125-4-1)
 Company: Florida Power & Light Company

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: ADM (AFA) APP CAF CMU EAG GCL LEO RAR RRR MW
 ("X" indicates OPR) X X X

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A17

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
 Current CABR revision level

Staff Assignments

OPR Staff J Sienkiewicz, A Cousins,
B Freeman, P Lee, D Mallot,
A Mauroy, B Mohrly, S Rosta,
I Noriega, J Revell, C Romo,
B Selek, P Stalcup

Staff Counsel R Bellak

OPR (EAG) J Colson, M Pittrell, D Sims,
J Jenkins

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	Due Dates	
	Previous	Current
1. <u>Revised Recommendation to Level</u>	<u>10/15/1997</u>	<u>11/20/1997</u>
2. <u>Order on CA to Clarify</u>	<u>11/16/1997</u>	<u>12/12/1997</u>
3. <u>Close Request or Review CABR</u>	<u>12/17/1997</u>	<u>01/15/1998</u>
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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: 12/01/1997

Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JM	DS	CL	GR	JC		
X							

- Prehearing Officer

Commissioners					ADM
JM	DS	CL	GR	JC	
	X				

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case. Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: JLQ/n/s
 Date: 12/04/1997

Case Assignment and Scheduling Record

Section 1 - Division of Records and Administration (DRA) Completion

Docket No. 971298-EI Date Decketed: 10/07/1997 Title: Request for confidential classification of certain material obtained during surveillance audit of Florida Power & Light Company. (Audit Control No. 97-125-4-1)

Official Filing Date: Last Day to Suspend: Expiration:

Referred to: ADM (CASA) OPR CAF OCM EAG OCL LBB RAR RRR WW

Section 2 - OPR completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A17

Staff Assignments

OPR Staff: J Sienkewicz, A Coursoy, B Freeman, P Lee, D Hallhot, A Maurice, B McVilly, S Maria, T Norless, J Revell, C Romie, B Salak, P Stallcup

Staff Council: R Bellak

OCRs (EAG): J Colson, M Futrell, B Ginn, J Jenkins

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Recommended assignments for hearing and/or deciding this case: Full Commission X Commission Panel Hearing Examiner Staff Date filed with RAR: 01/07/1999 Initials: OPR Staff Council

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770 Current CASR revision level

8

- 1. Revised Recommendation to Legal
2. Order on Confidentiality
3. Close Request or Revise CASR
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Due Dates

Table with columns: Previous, Current. Rows: 01/20/1999, 02/12/1999, 03/15/1999

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Table with columns: Commissioners (ALL, GR, DS, CL, JN, JC), Hrg. Exam., Staff

- Prehearing Officer

Table with columns: Commissioners (GR, DS, CL, JN, JC), ADM

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case. Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: [Signature] Date: 2/9/99

The Assignment and Scheduling Board

Section 1 - Division of Records and Inspection (DRI) Complete

Docket No. 971298-EI Date Docketed: 10/07/1997 Title: Request for confidential classification of certain material obtained during surveillance audit of Florida Power & Light Company. (Audit Control No. 97-125-4-1)

Company: Florida Power & Light Company

Official Filing Date: _____ Expiration: _____
 Last Day to Suspend: _____

Referred to: ADM (ADM) APP CAF CRJ EAG OCL LEB RAR NR WW
 ("(") indicates OPR

Section 2 - OPR Complete and returns to RAR in 10 workdays.

Time Schedule

Program/Module A17

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770 Current CASR revision level!

Staff Assignments

OPR Staff
J Stenovicz, A Cusumano,
B Freeman, P Lee, P Mallory,
A Murray, B Roberts, S Motta,
T Horvath, J Revell, C Rowie,
B Salak, P Stallcup

Staff Counsel
B Rolak

OCRs (EAG)
I Coleen, M Furrall, P Sims,
J Jenkins

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1. Revised Recommendation to Legal
2. Order on Confidentiality
3. Close Docket or Review CASR
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Due Dates

	Previous	Current
1.	<u>10/15/1998</u>	<u>11/30/1998</u>
2.	<u>11/16/1998</u>	<u>01/07/1999</u>
3.	<u>12/17/1998</u>	<u>02/04/1999</u>
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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: 10/13/1998

Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Complete

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JH	DS	CL	GR	JC		
<u>Y</u>							

- Prehearing Officer

Commissioners					ADM
JH	DS	CL	GR	JC	
	<u>X</u>				

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: _____
 Date: Positive 10/21/98

C

Case Assignment and Scheduling Record

Section 1 - Division of Records and Communications (DRC) Complete

Docket No. 971298-EI Date Decided: 10/07/1997 Title: Request for confidential classification of certain material obtained during surveillance audit of Florida Power & Light Company. (Audit Control No. 97-125-4-1)

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: ADM (AFA) APP CAF CRU EAG GCL LGS RAR RRR MAM
 ("(")" indicates OPR) X X X X X X X X X X

Section 2 - OPR Complete and returns to RAR in 30 days.

Time Schedule

Program/Module A17

Staff Assignments

OPR Staff
J. Stankowicz, A. Cameron,
B. Freeman, P. Lee, D. Hallbot,
A. Neurey, B. McAlister, S. Harjo,
T. Morrison, J. Revell, C. Romig,
B. Selek, P. Stallcup

Staff Counsel R. Balick

OPRs (EAG)
J. Colgan, H. Pittrell, D. Gira,
J. Jenkins

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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: 08/25/1998

Initials: OPR _____
 Staff Counsel _____

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 Current CASR revision level

6

	Due Dates	
	Previous	Current
1. Revised Recommendation to Legal	NONE	10/15/1998
2. Order on Confidentiality	08/25/1998	11/16/1998
3. Close Docket or Revisio CASR	09/15/1998	12/17/1998
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Section 3 - Chairman Complete

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		
X							

- Prehearing Officer

Commissioners					ADM
JN	DS	CL	GR	JC	
	X				

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: [Signature]
 Date: 9-1-98

Case Assignment and Scheduling Record

Section 1 - Division of Records and Research (RDR) Commission

Docket No. 971298-EI Date Docketed: 10/07/1997 Title: Request for confidential classification of certain material obtained during surveillance audit of Florida Power & Light Company. (Audit Control No. 97-125-4-1)
 Company: Florida Power & Light Company

Official Filing Date: _____ Expiration: _____
 Last Day to Suspend: _____

Referred to: ADM APP OPR OPR OPR OPR OPR OPR OPR OPR
 ("(") indicates OPR

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A17

Staff Assignments

OPR Staff
J Sienkewicz, A Cousseaux,
B Freeman, P Lee, D Hallhot,
A Neurey, B McVistry, S Horta,
T Horlann, J Revell, C Romie,
B Sialek, P Stallcup

Staff Counsel
R Bellak

OCRs (EAG)
L Colgan, N Fulkrell, D Gine,
J Jenkins

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Recommended assignments for hearing and/or deciding this case:

Full Commission Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: 07/02/1998

Initials: OPR _____
 Staff Counsel _____

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 Current OPR revision level

5

	Due Dates	
	Previous	Current
1. <u>Order on Confidentiality</u>	<u>05/29/1998</u>	<u>05/29/1998</u>
2. <u>Class Review or Review CDR</u>	<u>07/20/1998</u>	<u>08/26/1998</u>
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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JM	DS	CL	OR	JC		
X							

- Prehearing Officer

Commissioners					ADM
JM	DS	CL	OR	JC	
	X				

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case. Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: _____
 Date: 7-8-98

Section 1 - Division of Records and Research (RDR) Complete

Docket No. 971298-EI Date Decketed: 10/07/1997 Title: Request for confidential classification of certain material obtained during surveillance audit of Florida Power & Light Company. (Audit Control No. 97-125-4-1)
 Company: Florida Power & Light Company

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: _____
 ("C)" indicates OPR

Section 2 - OPR Complete and returns to RAR in 10 workdays.

Time Schedule

Program/Module A17

Staff Assignments

OPR Staff	<u>J. Slankowicz, A. Cunniff,</u> <u>B. Freeman, P. Lee, D. Hallgat,</u> <u>A. Murray, B. McWhirly, S. Barta,</u> <u>T. Morrison, J. Russell, C. Hamis,</u> <u>B. Balak, P. Stallone</u>
Staff Counsel	<u>R. Ballak</u>
OCRA (EAG)	<u>J. Colson, H. Futral, B. Ains,</u> <u>J. Jenkins</u>
()	_____
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Recommended assignments for hearing and/or deciding this case:
 Full Commission Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: 05/26/1998

Initials: OPR _____
 Staff Counsel _____

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 Current CASR revision level

4

	Due Dates	
	Previous	Current
1. Order on Confidentiality	<u>07/27/1998</u>	<u>07/27/1998</u>
2. Close Docket or Revise CASR	<u>05/12/1998</u>	<u>07/20/1998</u>
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Section 3 - Chairman Complete

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JM	DS	CL	GR	JC		
X							

- Prehearing Officer

Commissioners				ADM
DS	CL	GR	JC	
X				

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case. Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: _____
 Det.: Ballak 12-18-98

N

Case Assignment and Scheduling Record

Section 1 - Division of Records and Administration - (1988) - Completed

Docket No. 971228-EI Date Doctored: 10/07/1997 Title: Request for conf. dental classification of certain material obtained during surveillance audit of Florida Power & Light Company. (Audit Control No. 97-125-4-1)
 Company: Florida Power & Light Company

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: _____
 ("C") indicates OPR

CRU EAG ECL LRS RAR RRR WVV
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Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A17

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 Current CASR revision level

Staff Assignments

OPR Staff J Sienkovicz, A Causson,
B Freeman, P Lee, D Mallhot,
A Nguyen, S McMulty, S Morte,
T Morrison, J Revell, C Romig,
B Selek, P Stellcup

Staff Counsel B Bellot

OCRs (EAG) L Colean, M Futrell, D Ginn,
J Jenkins

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Due Dates

Previous Current

1. <u>Order on Confidentiality</u>	<u>03/12/1998</u>	<u>05/12/1998</u>
2. <u>Close Books or Revise CASR</u>	<u>04/14/1998</u>	<u>04/12/1998</u>
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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: 05/06/1998

Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		
X							

- Prehearing Officer

Commissioners					ADM
JN	DS	CL	GR	JC	
	X				

where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case. where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: TLJ/wb
 Date: March 3/20/98

C

Case Assignments and Scheduling Record

Section 1 - Division of Records and Reports (DRR) Complete

Docket No. 971298-EI Date Docketed: 10/07/1997 Title: Request for confidential classification of certain material obtained during surveillance audit of Florida Power & Light Company. (Audit Control No. 97-125-4-1)
 Company: Florida Power & Light Company

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: _____ CAF OBU SAG OCL LES RAR RRR WAW
 ("(") indicates OPR)

Section 2 - OPR Complete and returns to RAR in 10 workdays.

Time Schedule

Program/Module A17

Staff Assignments

OPR Staff
J Sienkowitz, A Coughour,
S Jones, P Lee, D Hallbot,
A Maurey, B McHulcy, T Norison,
J Revell, B Salak, P Stallow

Staff Counsel R Bellak

OCRs (EAG) L Coleen, D Ginn, J Jenkins

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Recommended assignments for hearing and/or deciding this case:

Full Commission Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: 02/10/1998

Initials: OPR _____
 Staff Counsel _____

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 Current CASR revision level

2

	Due Dates	
	Previous	Current
1. <u>Order on Confidentiality</u>	<u>02/12/1998</u>	<u>03/12/1998</u>
2. <u>Close Request or Revis CASR</u>	<u>02/11/1998</u>	<u>03/14/1998</u>
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Section 3 - Chairman Complete

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JM	DS	CL	OR	JC		
X							

- Prehearing Officer

Commissioners					ADM
JM	DS	CL	OR	JC	
	X				

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case. Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: JLJ/W
 Date: 2/18/98

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Staff Assignments and Scheduling Record

Section 1 - Division of Records and Research - OPR Assignments

Docket No. 971298-E1 Date Docketed: 10/07/1997 Title: Request for confidential classification of certain material obtained during surveillance audit of Florida Power & Light Company. (Audit Control No. 97-125-4-1)
 Company: Florida Power & Light Company

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: _____
 ("(") indicates OPR)

ADM (AFA) APP CAF CRU EAG GCL LES RAR RRR WAW

Section 2 - OPR Completed and returns to RAR - Time Schedule

Program/Module A17

Staff Assignments

OPR Staff
J Sienkewicz, A Casproux,
S Jones, P Lee, P Mailhot,
A Maurey, B McQuilty, Y Noriega,
J Revell, B Selek, P Stallcup

Staff Counsel R Bellak

OCRs (EAG) L Coleon, P Sims, J Jenkins

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Recommended assignments for hearing and/or deciding this case:

Full Commission Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: 01/15/1998

Initials: OPR _____
 Staff Counsel _____

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 Current CASR revision level

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	Due Dates	
	Previous	Current
1. Order on Confidentiality	01/12/1998	02/12/1998
2. Close Record or Revise CASR	02/11/1998	03/11/1998
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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		
X							

- Prehearing Officer

Commissioners					ADM
JN	DS	CL	GR	JC	
	X				

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: JLJ/ny
 Date: ending 1/23/98

Section 1 - Division of Records and Administration (DRA) Completes

Docket No. 971298-EI Date Docketed: 10/07/1997 Title: Request for confidential classification of certain material obtained during surveillance audit of Florida Power & Light Company. (Audit Control No. 97-125-4-1)
 Company: Florida Power & Light Company

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: _____
 ("(") indicates OPR)

ADM (AFA) APP CAF CMU EAG GCL LEG RAR RRR MAM

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A17

Staff Assignments

OPR Staff J Sienkewicz, A Casonova,
 S Jones, P Lee, D Mallhot,
 A Maurey, B McHuliv, T Norison,
 J Revell, B Selek, P Stolicup

Staff Counsel R Bellek

OCRs (EAG) L Colson, D Ginn, J Jenkins

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 Current CASR revision level

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1. Recommendation to Appeals
2. Order on Confidentiality
3. Close Docket or Revise CASR
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Due Dates

Previous Current

Task	Previous	Current
1. Recommendation to Appeals	NONE	12/01/1997
2. Order on Confidentiality	NONE	01/05/1998
3. Close Docket or Revise CASR	NONE	02/04/1998
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Recommended assignments for hearing and/or deciding this case:

Full Commission Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: 11/14/1997

Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exm.	Staff
ALL	JN	DS	CL	KS	OR		
X							

- Prehearing Officer

Commissioners					ADM
JN	DS	CL	KS	OR	
	X				

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case. Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: [Signature]
 Date: 11/14/1997

c

Case Assignment and Scheduling Record

Section 1 - Division of Records and Administration (RAR) Completes

Docket No. 971298-EI Date Docketed: 10/07/1997 Title: **Request for confidential classification of certain material obtained during surveillance audit of Florida Power & Light Company. (Audit Control No. 97-125-4-1)**
 Company: **Florida Power & Light Company**

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: _____
 ("(") indicates OPR) ADH (AFA) APP CAF CMU EAG GCL LEG RAR RRR MAW

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A17

Staff Assignments

OPR Staff _____

Staff Counsel _____

OCRs () _____

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Recommended assignments for hearing and/or deciding this case:

Full Commission _____ Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: _____

Initials: OPR _____
 Staff Counsel _____

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 Current CASR revision level

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Due Dates

Previous Current

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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JM	DS	CL	KS	GR		

- Prehearing Officer

Commissioners					ADM
JM	DS	CL	KS	GR	

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: _____

Date: 11/1

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Request to Mail

Date 1-9-99
Number of Originals 13 Copies Per Original 12
Requested By Kulsh. Mr

Item Presented _____
Agenda For (Date) _____ Order No. 994/23 In Docket No. 97125
Notice of _____ For (Date) _____ In Docket No. _____
Other _____

Special Handling Instructions _____

Distribution/Mailing

Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>10</u>	<u>Commission Officers</u>		
<u>11</u>	<u>Docket Mailing List - Mailed</u>		
	<u>Docket Mailing List - Forged</u>		

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

First Step Verification

Job Number 105 Verified By [Signature]
Date and Time Completed 3/12 Job Checked For Correctness and Quality (Initial) [Initials]

Mail Room Verification

Date Mailed _____ Verified By [Signature]