

STATE OF FLORIDA

Commissioners:
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DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(850) 413-6199

Public Service Commission

October 12, 1998

Mr. R. Wade Litchfield, Esquire
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408

Dear Mr. Litchfield:

As discussed with Commission staff on October 1, 1998, pursuant to Rule 25-22.006(4), Florida Administrative Code, Florida Power & Light Company's "Request for Confidential Classification of Certain Material Provided in Connection with the Capacity Cost Recovery Audit," dated July 1, 1998, and revised September 8, 1998, in Docket No. 980001-EI, is deficient on its face.

Staff identified materials in this filing which appear to be public record. These materials cannot be classified as confidential pursuant to Section 366.093, Florida Statutes. This section provides in pertinent part that:

The term 'proprietary confidential business information' means information . . . [that] 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.

If a revised filing meeting the requirements of the rule is not received by the Director of Records and Reporting within 21 days from the date of this letter, staff will recommend that the Prehearing Officer deny portions of FPL's request pursuant to Rule 25-22.006(4)(e), Florida

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- REC 1
- SAS _____
- TH _____

DOCUMENT NUMBER 98-11361
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FPL-RECORDS/REPORTING

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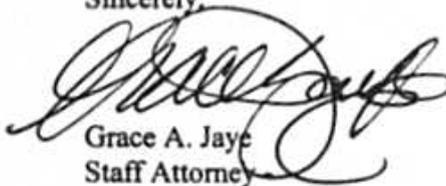
PSC Website: www2.scri.net/psc

Internet E-mail: contact@psc.state.fl.us

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Administrative Code. After the time for appeal of the Prehearing Officer's order has run, the material will become public record and be placed in the docket file.

Sincerely,



Grace A. Jaye
Staff Attorney

GAJ:js
Enclosure

cc: Division of Auditing and Financial Analysis
Division of Electric and Gas