

ORIGINAL

STATE OF FLORIDA

COMMISSIONERS:
BRAULIO L. BAEZ, CHAIRMAN
J. TERRY DEASON
LILA A. JABER
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON



OFFICE OF THE GENERAL COUNSEL
RICHARD D. MELSON
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

July 13, 2004

COMMISSION
CLERK

RECEIVED-FPSC
04 JUL 13 PM 3:36

Ms. Natalie F. Smith
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408

Re: Docket No. 040001-EI – Florida Power & Light Company’s Request for Confidential Classification of Certain Information Provided in Florida Power & Light Company’s Response to Audit Report (Audit Control No. 04-023-4-1), filed on May 17, 2004

Dear Natalie:

We have reviewed Florida Power & Light Company’s (FPL) May 17, 2004 filing and found one perceived deficiency. FPL has requested that relocation compensation paid to employees and charged to the ratepayer be granted confidential classification on the basis that the information is sensitive contractual or competitive business information. This information can be found at page 7 of FPL’s Audit Response.

Section 366.093(3)(f), Florida Statutes, provides that “Proprietary confidential business information includes, but is not limited to: . . . (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.”

The Commission has found that charges and other information pertaining to utility operations concerning employee salaries, other compensation, names, duties, disciplinary reports, job qualifications, or job responsibilities are not eligible for confidential classification. See Order No. 24226, issued March 12, 1991, in Docket No. 900960-TL, In Re: Show Cause Proceeding Against Southern Bell Telephone and Telegraph Company for Misbilling Customers; Order No. PSC-92-1280-CFO-WS, issued November 10, 1992, in Docket No. 911188-WS, In Re: Application for a Rate Increase in Lee County by Lehigh Utilities, Inc.; Order No. PSC-95-0503-CFO-WS, issued April 24, 1995, in Docket No. 950318-WS, In Re: Request for Confidential Classification of Certain Material Requested as Part of the Florida Public Service Commission’s Audit of Econ Utilities Corporation; Order No. PSC-96-0113-CFO-WS, issued January 19, 1996, in Docket No. 950495-WS, In Re: Application for Rate Increase and Increase in Service Availability Charges by Southern States Utilities, Inc. for Orange-Osceola Utilities, Inc.; Order No. PSC-96-0407-CFO-WS, issued March 21, 1996, in Docket No. 950495-WS.

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- RCA _____
- SCR _____
- SEC | _____
- OTH _____

DOCUMENT NUMBER - DATE

07609 JUL 13 04

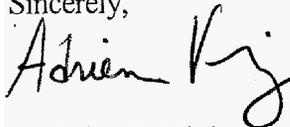
Ms. Natalie F. Smith

Page 2

July 13, 2004

Within 21 days from the date of this letter, FPL may revise its filing in response to the deficiency described in this letter, after which a recommendation will be prepared for the Prehearing Officer to rule on FPL's request. If you have any questions regarding this matter, I can be reached at (850) 413-6183 or avining@psc.state.fl.us.

Sincerely,



Adrienne E. Vining

Senior Attorney

AEV/

cc: Division of Regulatory Compliance and Consumer Assistance (Freeman)