

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Evaluation of storm restoration costs for  
Florida Power & Light Company related to  
Hurricane Irma.

DOCKET NO. 20180049-EI  
ORDER NO. PSC-2019-0258-CFO-EI  
ISSUED: June 28, 2019

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
(DOCUMENT NO. 04985-2019)

On June 13, 2019, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Florida Power & Light Company (FPL) filed a Request for Confidential Classification (Request) of information contained in its responses to the Office of Public Counsel's (OPC) Second Request for Production of Documents, Nos. 12, 14, 15, and 16; OPC's Fifth Request for Production of Documents, Nos. 28-31; OPC's Sixth Request for Production of Documents, No. 32; OPC's Seventh Request for Production of Documents, No. 35; OPC's Eighth Request for Production of Documents, Nos. 36-39; and OPC's Ninth Request for Production of Documents, No. 41 (discovery responses) (Document No. 04985-2019).

Request for Confidential Classification

By Order Nos. PSC-2019-0021-CFO-EI and PSC-2019-0024-CFO-EI, issued on January 10, 2019; Order No. PSC-2019-0029-CFO-EI, issued on January 14, 2019; Order No. PSC-2019-0091-CFO-EI, issued on March 6, 2019; and Order Nos. PSC-2019-0128-CFO-EI and PSC-2019-0131-CFO-EI, issued on April 12, 2019, temporary confidentiality protection for the discovery responses was granted. FPL contends that the information provided in the discovery responses, as more specifically described in Exhibit A and referenced in Exhibit C, attached to its Request, constitutes proprietary and confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. FPL asserts that this information is intended to be and is treated by FPL as private and its confidentiality has been maintained.

FPL asserts that the discovery responses contain trade secrets, information concerning bids and other contractual data, employee information unrelated to compensation, duties, qualifications or responsibilities. The discovery responses also contain summaries of contractor invoices and explanations of documentation for invoices as well as detailed information about each line and utility crew mobilized during Hurricane Irma including the "Ready System" communications and documentation. Finally, FPL contends that the discovery responses contain copies of all contracts, agreements, purchase orders, work orders, and all other agreements or documents that show the rates for any embedded vendor's crew that worked for FPL from 2014-2018.

FPL contends that this information represents proprietary confidential business information. FPL asserts that the discovery responses contain information concerning FPL's vendors which, if made public, would impair the efforts of FPL to contract for goods or services on favorable terms. Additionally, FPL contends that the disclosure of the information could

harm the competitive interests of both FPL and its vendors. For these reasons, FPL argues that such information is entitled to confidential classification pursuant to Section 366.093(3)(d), (e), and (f), F.S.

Ruling

Section 366.093(1), F.S., provides that records the Florida Public Service Commission (Commission) has found to contain proprietary business information shall be kept confidential and shall be exempt from Chapter 119, F.S. Section 366.093(3), F.S., defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Section 366.093(3), F.S., provides that proprietary confidential business information includes, but is not limited to:

- (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 relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

Upon review, it appears the above-referenced information satisfies the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information. The information described above and in FPL's Request appears to contain information concerning contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms, and information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Further, this information contains employee personnel information unrelated to the employee's responsibilities at FPL. Thus, the information identified in FPL's discovery responses contained in Document No. 04985-2019, shall be granted confidential classification.

Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of up to 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless FPL or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

ORDER NO. PSC-2019-0258-CFO-EI

DOCKET NO. 20180049-EI

PAGE 3

Based on the foregoing, it is hereby

ORDERED by Commissioner Julie I. Brown, as Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification of its discovery responses contained in Document No. 04985-2019, is granted. It is further

ORDERED that the information in Document No. 04985-2019, for which confidential classification has been granted, shall remain protected from disclosure for a period of up to 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless Florida Power & Light Company or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 28th day of June, 2019.



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Commissioner and Prehearing Officer  
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.