

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental Cost Recovery Clause.

DOCKET NO. 090007-EI
ORDER NO. PSC-09-0786-CFO-EI
ISSUED: November 19, 2009

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
OF DOCUMENTS PROVIDED IN AUDIT NO. 06-044-4-1
(DOCUMENT NOS. 05836-06 AND 02078-07)

This Order addresses the continuation of confidential treatment for certain documents associated with the Commission's Florida Power & Light Company (FPL) Environmental Cost Recovery Clause audit for the year ended December 31, 2005 (Audit Control No. 06-044-4-1). By Order No. PSC-07-0320-CFO-EI, issued April 13, 2007, in Docket No. 070007-EI, the Commission granted confidential classification for portions of the documents. On October 10, 2008, in Docket No. 080007-EI, FPL filed a First Request for Extension of Confidential Classification of the entirety of the information covered by Order PSC-07-0320-CFO-EI.

First Request for Confidential Classification

In its First Request for Extension, FPL states that the period of confidential classification granted by Order No. PSC-07-0320-CFO-EI would soon expire, and that all of the information covered by that Order warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093, Florida Statutes (F.S.) Appendix A lays out the information for which FPL seeks continued confidential classification, by work paper number, page number, and column/line.

FPL asserts that the portions of staff's work papers which were the subject of Order No. PSC-07-0320-CFO-EI, and for which continued confidential classification is sought in this First Request, contains internal auditing controls and reports of internal auditors; security measures, systems, or procedures; information concerning bids or other contractual data, such as payment records, pricing terms, and vendor and supplier rates, the disclosure of which would impair FPL's ability to contract for goods or services on favorable terms; or information relating to the competitive interests of FPL and its vendors, the disclosure of which would impair the competitive business of the provider of the information. FPL asserts that this information is protected by Section 366.093(3) paragraphs (b), (c), (d) and (e), F.S. Thus, FPL requests that the entirety of the information granted confidential classification in Order No. PSC-07-0320-CFO-EI identified in Attachment A continue to be accorded confidential classification for an additional 18 month period.

Ruling

Upon review, it appears that the information discussed above continues to be proprietary confidential business information within the meaning of Section 366.093, Florida Statutes. The

DOCUMENT NUMBER-DATE
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information has not become stale and is not publicly known. Moreover, none of the documentation discussed herein contains any information regarding the compensation of FPL executives. Therefore, FPL's request for extension of confidential treatment of the redacted portions of Document Nos. 05836-06 and 02078-07 identified in Attachment A is granted.

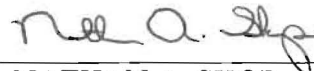
Section 366.093(4), F.S., provides that any finding by the Commission that records contain proprietary confidential business information may be effective for an additional period of 18 months with good cause shown. FPL has demonstrated that good cause exists for the Commission to extend the confidential treatment of the identified redacted portions of Document Nos. 05836-06 and 02078-07 as previously granted in Order No. PSC-07-0320-CFO-EI. Accordingly, the information identified in Attachment A, contained within Document Nos. 05836-06 and 02078-07, shall be granted confidential classification for a period of 18 months from the issuance of this Order.

Based on the foregoing, it is

ORDERED by Commissioner Nathan A. Skop, as Prehearing Officer, that the information contained in Document Nos. 05836-06 and 02078-07, identified by Attachment A, shall be granted continued confidential classification for a period of 18 months from the issuance of this Order. 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 Nathan A. Skop, as Prehearing Officer, this 19th day of November, 2009.



NATHAN A. SKOP
Commissioner and Prehearing Officer

(S E A L)

MCB

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 25-22.060, 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.

Attachment A

Work Paper Number	Description	Page(s)	Column(s) or Line(s)
9	List of Internal Audits	1-4	Col. B
9-1	Internal Audit	1-4	All
16-15/12-3/1	Plant Addition Samples	1	Lines 17, 19, 22, 24, 27, 29, 31, 33
43-4	O&M Samples	1	Lines 5-7, 8-10, 13a-14
43-4	O&M Samples	2	Lines 2a-4
43-4	O&M Samples	3	Lines 6a-12
43-4	O&M Samples	4	Lines 11-12
43-4	O&M Samples	5	Lines 6-7
43-4/1	O&M Samples	1	Lines 5-6, 11-20
43-4/5	O&M Samples	2-5	All
43-6	O&M Samples	4	Lines 5-6
51-3/1-2/2	Emission Allowance	1	Line 16
51-3/1-2/2	Emission Allowance	2	Lines 4, 15, 19