

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery  
clause.

DOCKET NO. 110002-EG  
ORDER NO. PSC-11-0324-CFO-EG  
ISSUED: July 28, 2011

ORDER GRANTING REQUEST FOR EXTENSION OF CONFIDENTIAL  
CLASSIFICATION OF CERTAIN MATERIALS  
DOCUMENT NOS. 08245-04 AND 08396-04

On April 8, 2011, 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 or company) filed a request for extension of confidential classification of materials provided pursuant to Audit No. 04-070-4-1 (Document Nos. 08245-04 and 08396-04), with attached list of confidential workpapers; third revised Exh C, and affidavit of Anita Sharma; third revised Exh D, includes CD. Order No. PSC-06-0188-CFO-EG, issued March 9, 2006, initially granted confidential classification for the documents. Order No. PSC-07-0827-CFO-EG, issued October 15, 2007, granted an extension for confidential classification for a period of 18 months. Subsequently, Order No. PSC-09-0677-CFO-EG, October 9, 2009, granted a second extension for confidential classification for an additional 18 months. FPL has requested that the period of time for confidential treatment be extended for the information contained in Document No. 02365-11. FPL asserts that the confidential information in the documents is intended to be proprietary, is treated as proprietary, and has not been publicly disclosed. FPL requests that the Commission grant confidential classification for the documents for a period of 18 months from the date of the issuance of this Order, pursuant to Section 366.093(4), F.S.

Section 366.093(1), F.S., provides that records that the Commission has found to contain proprietary confidential business information shall be kept confidential and shall be exempt from Chapter 119, F.S., Florida's Public Records Act. 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:

- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

FPL asserts that the information for which it seeks confidential status consists of FPL's business plans and strategy, and customer specific account information. The customer information includes customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, and bills. FPL asserts that it does not reveal customer specific account information unless authorized by the customer or required to do so by law, in order to protect the customers' competitive interests and right to

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privacy. FPL contends that the information for which it is requesting confidential classification is entitled to that classification pursuant to Section 366.093(3)(e), F.S., as proprietary confidential business information, the disclosure of which would impair the company's ability to contract for the sale of goods and services on favorable terms or cause harm to its ratepayers. FPL claims that nothing has changed since the Commission issued its prior confidentiality order. The information is still of current value and has not been made public.

FPL requests confidential classification for the information listed in the following table:

<b>WORKPAPER</b>	<b>PAGE(S)</b>	<b>LINE(S)</b>	<b>TYPE OF INFORMATION</b>
Document Nos. 08245-04 AND 08396-04			
41-1/1-1	1	Cols A-B, 1, 3, 6, 7; Col G, 1b, 3b, 6b, 7b	Customer specific information
41-1/1-1	2	Cols A-B, 10-11, 14-15; Col G, 10b, 11b, 14b, 15b	Customer specific information
41-1/2-1	1	Cols A-B, 1, 3, 6-7; Col G, 1b, 3b, 6b, 7b;	Customer specific information
41-1/2-1	2	Cols A-B, 12-15; Col G, 12b, 13b, 14b, 15b;	Customer specific information
41-3	1	Cols A-C, 1-8, 11-12, 14-19, 27-31, 35-38	Customer specific information
41-3/1	1	Cols A-B, 1, 3; Col G, 1b, 3b	Customer specific information
41-3/2	1	Cols A-B, 1, 3; Col C, 3; Col G, 1b, 3b	Customer specific information
43-4	1	Col B, 5b, 6b, 8b, 11b, 14b, 15b, 16b, 17b, 18b, 19b, 20b, 21b; Col E, 5-6, 11, 14-21	Customer specific information

<b>WORKPAPER</b>	<b>PAGE(S)</b>	<b>LINE(S)</b>	<b>TYPE OF INFORMATION</b>
Document Nos. 08245-04 AND 08396-04			
43-4	2	Col B, 22b, 23b, 24b, 25b, 26b, 27b, 28b, 29b, 30b, 31b, 32b, 33b, 34b, 35b, 36b, 37b, 38b;  Col E, 22-38	Customer specific information
43-4	3	Col B, 39b  Col E, 39	Customer specific information
43-4/1	1	Cols A, D, 1;  Col E, 3-4, 11-13, 16	Customer specific information
43-4/1	2	Col A, 1, 21;  Col D, 1-2, 21-22;  Col E, 1, 21	Customer specific information
43-4/1	3	Col A, 9, 14;  Col D, 14;  Col E, 11	Customer specific information
43-4/1	4	Cols A, D, 1, 4, 7, 10, 13, 16-17, 19, 21, 23- 24;  Col E, 17-22, 24	Customer specific information
43-4/1	5	Cols A, D, 1, 4, 7, 10, 13, 16, 19	Customer specific information
43-4/1	6	Cols A, D, 1, 3, 6, 9, 12, 15-18;  Col E, 15-18	Customer specific information
43-4/1	7	Cols A, D, 1, 7, 10, 13, 16, 19, 22	Customer specific information
43-5/1	1	Col B, 2-7;  Cols E, F, 2-6	Customer specific information

<b>WORKPAPER</b>	<b>PAGE(S)</b>	<b>LINE(S)</b>	<b>TYPE OF INFORMATION</b>
Document Nos. 08245-04 AND 08396-04			
44-7/2-1	1	Cols A-C, J-L, N, 3, 5, 8-9, 11-12, 14-15, 17, 19-21, 23-27, 29, 33-34, 36, 38, 40, 42-43, 47-48, 50-51, 54-55, 60, 62, 64	Customer specific information
44-7/2-1	2	Cols A-C, J-L, N, 73-74, 77-82, 87, 89, 92-93, 99-100, 103, 105-106, 108, 110-111, 115, 120, 122, 124, 129	Customer specific information
44-7/2-1	3	Cols A-C, J-L, N, 134-135, 139-140, 144-147, 149-154, 156-161, 164-166, 168-171, 173, 177, 179-180, 184-187, 189-194, 198	Customer specific information
44-7/2-1	4	Cols A-C, J-L, N, 199, 209, 212, 214, 216, 219, 222-223, 226-229, 235, 237, 239-240, 243-244, 246, 248-249, 253-254, 256, 259, 261-264	Customer specific information
44-7/2-1	5	Cols A-C, J-L, N, 265, 269-270, 272, 274-276, 278, 280, 282, 284, 286, 289-294, 296, 298, 300, 302, 306-308, 314, 318, 320, 326-330	Customer specific information
44-7/2-1	6	Cols A-C, J-L, N, 331, 333, 338, 344, 346, 348, 355, 357, 359-361, 363, 365-366, 368-373, 375, 383, 389-391, 393, 396	Customer specific information

<b>WORKPAPER</b>	<b>PAGE(S)</b>	<b>LINE(S)</b>	<b>TYPE OF INFORMATION</b>
Document Nos. 08245-04 AND 08396-04			
44-7/2-1	7	Cols A-C, J-L, N, 398-399, 401-404, 408, 411, 413, 415, 417-418, 420-421, 426, 428-432, 434, 437, 439, 442-443, 445, 451-453, 456-457, 459, 461-462	Customer specific information
44-7/2-1	8	Cols A-C, J-L, N, 463, 465, 468-470, 474-477, 480, 482, 486-487, 490-493, 496, 499-500	Customer specific information
44-7/2-1/1	1	Cols B, C, E, H, I, 1-11	Customer specific information
44-7/2-1/1-1	2	Col A, 1-3;  Col B, 1-3, 10-12, 15-16;  Col C, 7-8, 10-12, 15-16, 22-29, 33-44;  Col E, 10-12, 15-20, 31-32;  Col F, 7-8, 10-13, 15-30, 33-44	Customer specific information
44-7/2-1/1-1	3	Col A, 1-3;  Col B, 1-3, 10-12, 15-16;  Col C, 7-8, 10-12, 15-16, 22-29, 33-44;  Col E, 10-12, 15-16, 18-20, 31-32;  Col F, 7-8, 10-13, 15-30, 33-44	Customer specific information

<b>WORKPAPER</b>	<b>PAGE(S)</b>	<b>LINE(S)</b>	<b>TYPE OF INFORMATION</b>
Document Nos. 08245-04 AND 08396-04			
44-7/2-1/1-1	5	Col A, 1-3;  Col B, 1-3, 10-12, 14-15;  Col C, 7-8, 10-12, 14-15, 20-27, 30-41;  Col E, 10-12, 14-18, 28-29;  Col F, 7-12, 14-28, 30-41	Customer specific information
44-7/2-1/1-1	8	Col A, 1-3;  Col B, 1-3, 10-12, 14-15;  Col C, 7-8, 10-12, 14-15, 20-27, 30-41;  Col E, 10-12, 14-18, 28-29;  Col F, 7-8, 10-12, 14-28, 30-41	Customer specific information
44-7/2-1/1-1	9	Col A, 1-3;  Col B, 1-3, 10-12, 14-15;  Col C, 7-8, 10-12, 14-15, 20-27, 31-42;  Col E, 10-12, 14-18, 29-30;  Col F, 7-8, 10-12, 14-28, 31-42	Customer specific information
44-7/2-1/1-2	1	2-3	Customer specific information

Upon review, it appears that the requested information satisfies the criteria set forth in Section 366.093(3)(e), F.S. The information contains competitive business and contractual

information, the disclosure of which would impair the company's ability to compete for services and impair the competitive interests of its customers. In addition, the information contains customer specific information, the disclosure of which would be detrimental to the interests of FPL's customers. Therefore, confidential classification for Document Nos. 08245-04 and 08396-04 is granted.

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 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 information continues to contain proprietary confidential business information.

Based on the foregoing, it is

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that Florida Power & Light Company's request for confidential classification of Document Nos. 08245-04 and 08396-04 is hereby granted as set forth herein. It is further

ORDERED that the information for which confidential classification has been requested will be granted confidential classification for a period of 18 months from the date of the issuance of this Order. It is further

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 28th day of July, 2011.



RONALD A. BRISÉ  
Commissioner and Prehearing Officer  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
www.floridapsc.com

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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.