

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear cost recovery clause.

DOCKET NO. 140009-EI  
ORDER NO. PSC-14-0204-CFO-EI  
ISSUED: May 2, 2014

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR  
CONFIDENTIAL CLASSIFICATION (DOCUMENT NO. 05103-08)

On June 16, 2008, 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 of information (Request) provided to the Florida Public Service Commission Staff in connection with its audit of FPL's 2007 Nuclear Cost Recovery results known as Audit No. 08-065-4-1, titled "Review of Project Management Internal Controls for Nuclear Plant Uprate and Construction Projects" (Audit) (Document No. 05103-08). This Request was filed in Docket No. 080009-EI.

Request for Confidential Classification

FPL contends that the information provided in its filing on June 16, 2008, Document No. 05103-08, as more specifically described in Exhibit C attached to FPL's Request, constitutes proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. FPL argues that this information is intended to be, and is treated by FPL as private and has not been publicly disclosed. FPL further asserts that the highlighted information is proprietary confidential business information within the meaning of Section 366.093(3).

In particular, this information pertains to bids and contractual data for the extended power uprate contracts with Shaw, Stone and Webster. Since FPL attempts to negotiate the best price for goods and services in a manner that is beneficial to both FPL and its customers, the release of this data would allow interested parties to see what FPL is willing to pay and accept as payment for certain goods and services placing it at a competitive disadvantage against its competitors or prospective vendors in future negotiations for goods and services. This data is also subject to confidentiality agreements between FPL and the vendor, who will be reluctant to enter into future agreements with FPL if there is no guarantee that their proprietary or confidential business information will become a matter of public record at a later date. Finally, this information contains data concerning how FPL manages and monitors the services provided under these contracts in order to ensure the work meets the standards specified in the contract. The release of this data would enable current and future vendors or service providers to understand FPL's methodology for ensuring quality control, which could potentially enable a vendor or service provider to provide lower quality goods or services without FPL's knowledge and to the detriment of FPL's customers.

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 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, 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.

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 appears to be 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 and information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Thus, the information identified in Document No. 05103-08 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 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.

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 Document No. 05103-08 is granted. It is further

ORDERED that the information in Document No. 05103-08 for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of 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 Julie I. Brown, as Prehearing Officer, this 2nd day of  
May, 2014.



JULIE I. BROWN

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.

MTL

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.