

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for determination of need for
Duval-Raven 230 kV transmission line in
Baker, Columbia, Duval, and Nassau Counties,
by Florida Power & Light Company.

DOCKET NO. 150263-EI
ORDER NO. PSC-16-0059-CFO-EI
ISSUED: February 1, 2016

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 00172-16)

On January 11, 2016, pursuant to Section 366.093, Florida Statutes (F.S.), and 25-22.006, Florida Administrative Code (F.A.C.), Florida Power & Light Company (FPL) filed a Request for Confidential Classification of certain information contained in FPL's petition for determination of need for Duval-Raven 230kV transmission line, supporting prefiled testimony, and exhibits. FPL asserts that portions of the information contained in FPL's petition, prefiled testimony, and exhibits, described with specific justification in Exhibit C of its Request, contain proprietary confidential business information within the meaning of Section 366.093(3), F.S. FPL further asserts the information is intended to be and is treated as private by FPL, and has not been publically disclosed. FPL, therefore 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.

Request for Confidential Classification

Section 366.093(1), F.S., provides that "any records received by the Commission which are shown and found by the Commission to be proprietary confidential business information shall be kept confidential and shall be exempt from Section 119.07(1) [the Public Records Act]." Pursuant to Section 366.093(3), F.S., proprietary confidential business information includes 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. Pursuant to Section 366.093(3), confidential business information includes, but is not limited to security measures, systems, or procedures;

FPL contends that portions of the information contained in its petition, prefiled testimony, and exhibit, described with specific justification in Exhibit C of its Request, consists of information related to security measures, systems, or procedures. Specifically, this information contains critical energy infrastructure information, as defined in Section 388.113 of the Code of Federal Regulations. FPL asserts such information constitutes proprietary confidential business information within the meaning of Section 366.093(3), F.S. FPL asserts that this information is intended to be and is treated as private by FPL and has not been publicly disclosed. Based on the foregoing, FPL asserts the information is entitled to confidential classification pursuant to Section 366.093(c), F.S.

Ruling

Upon review, it appears that FPL's petition for determination of need for Duval-Raven 230kV transmission line, supporting prefiled testimony, and exhibits, as described in Exhibit C of FPL's Request for Confidential Classification, satisfy the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information. FPL's petition, prefiled testimony, and exhibits, appear to contain information concerning security measures, systems, or procedures, and harm to the company or its ratepayers will result from public disclosure.

Therefore, certain information contained in FPL's petition for determination of need for Duval-Raven 230kV transmission line, supporting prefiled testimony, and exhibits, described with specific justification in Exhibit C of its Request, shall be granted confidential classification pursuant to Section 366.093(3), F.S.

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.

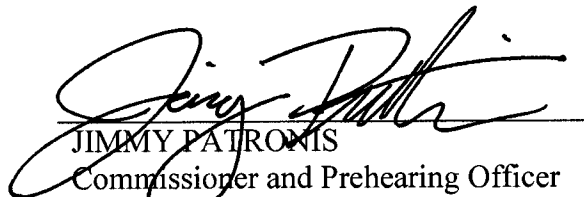
Based on the foregoing, it is

ORDERED by Commissioner Jimmy Patronis, as Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification of Document No. 00172-16, as described in Exhibit C of Florida Power & Light Company's Request, is granted. It is further

ORDERED that the information in Document No. 00172-16, 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. 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 Jimmy Patronis, as Prehearing Officer, this 1st day of February, 2016.



JIMMY PATRONIS

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.