

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval to transfer Martin-Riviera Lateral Pipeline to Florida Southeast Connection and implement associated rate adjustments, by Florida Power & Light Company.

DOCKET NO. 20170231-EI  
ORDER NO. PSC-2018-0015-CFO-EI  
ISSUED: January 5, 2018

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S REQUEST  
FOR CONFIDENTIAL CLASSIFICATION (DOCUMENT NO. 09344-2017)

On October 31, 2017, 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 portions of: Attachments REB-1 (Martin-Riviera CPVRR calculation), RBD-3 (calculation of Martin-Riviera fuel recovery factor) and SAF-1 (FPL/Florida Southeast Connection (FSC) purchase and sale agreement dated October 27, 2017); and Exhibit 2, Declaration of Renae B. Deaton (Document No. 09344-2017).

Request for Confidential Classification

FPL contends that the information provided in Attachments REB-1, RBD-3 and SAF-1, as well as Exhibit 2, is information of a confidential nature, which is proprietary confidential business information within the meaning of Section 366.093(3), F.S. This information is intended to be and is treated by FPL as private, and its confidentiality has been maintained.

Attachment REB-1, is an annualized summary of CPVRR analysis for the Martin-Riviera Gas Lateral Transfer showing FPL revenue requirements, tariff payments to FSC, and net customer savings/costs by year for the period 2018 to 2057. Attachment RBD-3 is a calculation of the Martin-Riviera fuel recovery factor which contains natural gas transportation costs paid by FPL to FSC. Attachment SAF-1 contains the natural gas volumes under the FSC contract for the period July 2018 through June 2057. Exhibit 2 contains FSC transportation charges for July through December 2018. FPL contends that Attachment REB-1 and RBD-3 contain negotiated demand charges for the purchase of natural gas transportation from FSC and other contractual terms that if disclosed could impair FSC's ability to negotiate with third parties for the highest possible price for FSC's transportation services. Further, FPL contends that these attachments contain contract terms and prices that if made public would impair the efforts of FPL, or its affiliates, to contract for similar goods and services on the most favorable terms from third parties. Attachment SAF-1, the executed contract between FPL and FSC for natural gas transportation services, contains negotiated charges and natural gas volumes for a 40 year period which if disclosed, could impair FSC's ability to negotiate contracts with third parties at the highest possible price. Likewise, Exhibit 2 contains FSC transportation charges. For these reasons, FPL argues that these materials are protected pursuant to Sections 366.093(3)(d) and (e), F.S.

Ruling

Section 366.093(1), F.S., provides that records the 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.

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 appears to be information concerning contractual data and competitive interests, the disclosure of which would impair the efforts of FPL to negotiate the lowest price for natural gas transportation or impair the competitive business of FPL and FSC. Thus, the information identified in Document No. 09344-2017 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 unless good cause is shown that protection from disclosure shall be for a specified longer period. 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 Gary F. Clark, Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification of Document No. 09344-2017 is granted. It is further

ORDERED that the information in Document No. 09344-2017, 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. 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 Gary F. Clark, as Prehearing Officer, this 5th day  
of January, 2018.

  
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GARY F. CLARK  
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.