

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidentiality for ESR,  
Supplemental for December 2017, by Florida  
Power & Light.

DOCKET NO. 20180040-EI  
ORDER NO. PSC-2018-0175-CFO-EI  
ISSUED: April 4, 2018

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR  
CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO. 01279-2018

On February 15, 2018, 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 its Request for Confidential Classification of Certain Information Contained in Document No. 01279-2018, the December 2017 Earnings Surveillance Report (ESR).

Request for Confidential Classification

FPL asserts that line 17A on page 25 of the ESR contains proprietary confidential business information entitled to protection under Section 366.093(3)(d) and (e), F.S. FPL further asserts that this information contained in the ESR is and has been treated by FPL as private, its confidentiality has been maintained, and its disclosure would cause harm to FPL and its customers. FPL contends this confidential information contains contractual data between FPL and its customer concerning the terms of a Contract Service Agreement and is competitive in nature.

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 that has not been voluntarily disclosed to the public. Section 366.093(3), F.S., provides, in pertinent part, 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 information in Document No. 01279-2018 satisfies the criteria set forth in Section 366.093(3)(d) and (e), F.S., for classification as proprietary confidential business information. Document No. 01279-2018 appears to contain information

concerning contractual data and information relating to competitive interests, the disclosure of which would cause harm to FPL and its customers. Thus, FPL's request for confidential classification 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 up to 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 Donald J. Polmann, as Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification of Certain Information Contained in the Supplemental Earnings Surveillance Report is granted. It is further

ORDERED that the information in Document No. 01279-2018 for which confidential classification is 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 Donald J. Polmann, as Prehearing Officer, this 4th day of April, 2018.

  
DONALD J. POLMANN, Ph.D., P.E.  
Commissioner and Prehearing Officer  
Florida Public Service Commission  
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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.