

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida
Power & Light Company.

DOCKET NO. 20210015-EI
ORDER NO. PSC-2021-0354-CFO-EI
ISSUED: September 15, 2021

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NOS. 04223-2021 and 04819-2021)

On May 24, 2021, 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 its second supplemental response to the Office of Public Counsel's (OPC) First Request for Production of Documents No. 36 (Document No. 04223-2021). On June 14, 2021, Florida Power & Light Company (FPL) filed a request for Confidential Classification of its fourth supplemental response to OPC's First Request for Production of Documents No. 36 (Document No. 04819-2021).

Request for Confidential Classification

FPL contends that portions of the information contained in supplemental responses to its second and fourth supplemental responses to OPC's First Request for Production of Documents No. 36 constitute proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. FPL asserts that this information is intended to be and is treated by FPL as private and has not been publicly disclosed.

The information contained in the second supplemental response to OPC's First Request for Production of Documents No. 36 for which confidentiality is requested consists of data output from a proprietary third party computer model FPL uses to evaluate the cost-effectiveness of generating alternatives, in this case solar facilities, for its system. FPL's fourth supplemental response to OPC's First Request for Production of Documents No. 36 consists of the same third party computer model's data regarding solar facilities and battery backup facilities. FPL argues that this information is protected by Section 366.093(3)(e), F.S.

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 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:

(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 regarding the data output from the third party computer model, if disclosed, would adversely impact both the third party's competitive interests as well as those of FPL. Further, disclosure of this information, which FPL agreed not to disclose, would discourage vendors from doing business with FPL to the detriment of ratepayers. Thus, the information identified in Document Nos. 04223-2021 and 04819-2021 shall be granted confidential classification.

Pursuant to Section 366.093(4), F.S., confidential classification may only extend for up to 18 months from the issuance of an Order granting confidential classification unless "the Commission finds, for good cause, that the protection from disclosure shall be for a specified longer period." We find that the information identified in Document Nos. 04223-2021 and 04819-2021, shall be granted confidential classification for a period of 18 months from the issuance of this Order.

Based on the foregoing, it is hereby

ORDERED by Chairman Gary F. Clark, as Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification of Document Nos. 04223-2021 and 04819-2021, is granted, as set forth herein. It is further

ORDERED that the information in Document Nos. 04223-2021 and 04819-2021, 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 Chairman Gary F. Clark, as Presiding Officer, this 15th day of September, 2021.



GARY F. CLARK
Chairman and Presiding Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

SBr

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.