

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 20160021-EI  
ORDER NO. PSC-2021-0389-CFO-EI  
ISSUED: October 12, 2021

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S  
SECOND REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION  
(DOCUMENT NO. 06728-2021, X-REF. 03742-2016)

On June 22, 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 a second extension of confidential classification for portions of the Commission staff's Audit Control No. 2016-095-4-1 (Audit), Document No. 06728-2021, x-ref. 03742-16. No objections to this request have been filed. This material was previously granted confidential status by Order No. PSC-16-0317-CFO-EI, dated August 5, 2016, and Order No PSC-2018-0206-CFO-EI, dated April 23, 2018.

Request for Confidential Classification

FPL contends that information contained in portions of the Audit constitutes 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. FPL has requested that this information described above be granted confidentiality for a period of 36 months and returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business.

The information for which FPL seeks confidentiality consists of officer's salaries and job descriptions, long and short term debt transactions, generating plant expenditures, construction work in progress (CWIP) supporting work papers, unbilled revenues, fuel costs, and affiliate transactions.

Ruling

Section 366.093(1), F.S., provides that records that the Commission has found to contain proprietary confidential 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 that the above-referenced information continues to satisfy the criteria set forth in Section 366.093(3)(b), F.S., for classification as proprietary confidential business information. The information consists of financing transactions, generating plant repair and maintenance purchases, outside vendor and affiliated company service contracts, as well as fuel purchases that, if disclosed, could prevent FPL from negotiating the best price for these necessary products and impair its own competitive business and that of its vendors. Finally, revealing executive compensation may lead to FPL's inability to hire and retain skilled and necessary employees in the highly competitive electric utility management field. Therefore, I find that the information identified in Document No. 06728-2021, x-ref. 03742-16, shall continue to 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 to justify a longer period. Due to the highly sensitive nature of the financial, contractual, and salary information contained in this audit I find that FPL's request for an additional 36 month confidentiality period is justified. At the conclusion of the 36-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, as Prehearing Officer, that Florida Power & Light Company's Second Request for Extension of Confidential Classification of Document No. 06728-2021, x-ref. 03742-16, is granted, as set forth herein. It is further

ORDERED that the information in Document No. 06728-2021, x-ref. 03742-16, for which confidential classification has been granted, shall remain protected from disclosure for a period of 36 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 12th day of October, 2021.

  
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GARY F. CLARK  
Chairman and Presiding 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.