

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidential classification of certain materials provided in report on interruptions and curtailments, filed pursuant to Rule 25-6.018, F.A.C., by Florida Power & Light Company.

DOCKET NO. 030598-EI
ORDER NO. PSC-03-0987-CFO-EI
ISSUED: September 3, 2003

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF CERTAIN
MATERIALS SUBMITTED PURSUANT TO FAC 25-6.018

On July 9, 2003, Florida Power & Light Company (FPL) filed a request for confidential classification of portions of Document No. 06091-03. FPL filed this document pursuant to Rule 25-6.018, Florida Administrative Code, which requires investor-owned electric utilities with interruptible or curtailable rate schedules to provide a report to the Commission of customer interruptions and curtailments for those months when interruptions occur. FPL's filing of this report was accompanied by a request for confidential classification for the names of the affected non-governmental customers.

Pursuant to Section 119.07, Florida Statutes, documents submitted to this Commission are presumed to be public records. The only exceptions to this presumption are specific statutory exemptions and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. Subsections 366.093(3) and (3)(e), Florida Statutes, provide the following exemptions pertinent to FPL's request:

Proprietary confidential business information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. 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.

According to Section 366.093, Florida Statutes and Rule 25-22.006, F.A.C., the utility has the burden of demonstrating that materials qualify for confidential classification. Pursuant to Rule 25-22.006, F.A.C., the utility may meet this burden by demonstrating that the information is proprietary confidential business information, the disclosure of which will cause the utility, the provider of the information or the ratepayer harm.

DOCUMENT NUMBER-DATE

08178 SEP-3 03

FPSC-COMMISSION CLERK

Based on the definition of proprietary confidential information stated above, it appears that the material described herein is proprietary business information in accordance with Section 366.093, Florida Statutes and Rule 25-22.006, Florida Administrative Code. The report required by Rule 25-6.018, Florida Administrative Code, must include specific information, including the names of the customers interrupted or curtailed. The public disclosure of the names of the non-governmental customers would disclose specific rate and contract information associated with those customer accounts. As corporate policy, FPL does not disclose such information to third parties unless required by law or unless the customer consents to the disclosure. For many customers, electric usage is an important part of their production costs, and disclosure of this rate information could provide competitors with commercially sensitive information. FPL states that the customers have indicated to FPL that the information relates to their competitive interests, the disclosure of which could cause them competitive harm. Such circumstances have been found to require confidential classification pursuant to Section 366.093(3)(e). In re: request for confidential classification of portions of audit report regarding Commercial/Industrial Demand Side Management by Florida Power & Light Company, Docket No. 961013-EI, Order No. PSC-96-1478-CFO-EI, 96 FPSC 12:184. (FPL's customers did not want information disclosed that would harm them in the conduct of their competitive enterprises). See also, In re: Petition for approval of proposed pilot/experimental Real Time Pricing Program and the associated rate schedule by Gulf Power Company, Docket No. 941102-EI, Order No. PSC-98-0421-CFO-EI, 98 FPSC 3:310 (Commission has not required public disclosure of customer names and billing data in the past, deeming them proprietary confidential business information); In re: Electric Service Quality (ESQ) Audit Request for Confidentiality (Audit Control No. 97-01-002), Docket No. 971668-EI, Order No. PSC-98-0620-CFO-EI, 98 FPSC 5:28 (Ratepayers who discussed their complaints with the utility on the condition that their identities not be disclosed would be harmed by such disclosure). Accordingly, FPL's Request for Confidential Classification of Certain Materials Submitted Pursuant to Rule 25-6.018, F.A.C. is hereby granted.¹

Based on the foregoing, it is

ORDERED by Commissioner Charles M. Davidson, as Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification of Certain Materials Submitted Pursuant to FAC 25-6.018, as set forth in Attachment I, is hereby granted. It is further

ORDERED that pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the confidentiality granted to the material specified herein shall expire eighteen (18) months from the date of the issuance of this Order, in the absence of a renewed request for confidentiality pursuant to Section 366.093, Florida Statutes. It is further

¹ Because confidential classification is justified based on §366.093(3) and (3)(e), I need not reach FPL's asserted further justification under §366.093(3)(d).

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ORDERED that this Order will be the only notification by the Commission to parties concerning the expiration of the confidentiality time period.

By ORDER of Commissioner Charles M. Davidson, as Commissioner and Prehearing Officer, this 3rd day of September, 2003.



CHARLES M. DAVIDSON, Commissioner
And Prehearing Officer

(S E A L)

RCB

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, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, 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.

	Name
1	[REDACTED]
2	COLLIER CNTY SHERIFF DEPT
3	[REDACTED]
4	[REDACTED]
5	MIAMI-DADE CO DDFM MEDICAL EXAMINER 11
6	[REDACTED]
7	[REDACTED]
8	[REDACTED]
9	[REDACTED]
10	[REDACTED]
11	[REDACTED]
12	CITY DAYTONA BEACH
13	CITY OF PUNTA GRDA
14	[REDACTED]
15	CITY PORT ORANGE
16	CITY PORT ORANGE
17	[REDACTED]
18	[REDACTED]
19	[REDACTED]
20	CITY OF MELBOURNE #DB LEE
21	CITY OF MELBOURNE
22	CITY OF MELBOURNE
23	SEMINOLE COMMUNITY COLLEGE
24	[REDACTED]
25	[REDACTED]
26	[REDACTED]
27	MANATEE CO SCH BD HARLEE SCH #0591-2
28	MANATEE CO SCH BD SUGG MID #0581
29	[REDACTED]
30	[REDACTED]
31	[REDACTED]
32	CITY OF SARASOTA
33	CITY OF FT LAUD PLANT D
34	[REDACTED]
35	[REDACTED]
36	MIAMI-DADE WASAD # 0559
37	[REDACTED]
38	[REDACTED]
39	MIAMI-DADE WASAD # 0538
40	[REDACTED]
41	[REDACTED]
42	MIAMI-DADE WASAD
43	[REDACTED]
44	[REDACTED]
45	[REDACTED]
46	[REDACTED]
47	MIAMI-DADE WASAD # 3103
48	[REDACTED]
49	U S GOVT DEPT OF GSA ACCT#91536785
50	CITY OF N MIAMI 420646 PW
51	[REDACTED]
52	CITY OF PUNTA GRDA
53	VILLAGE OF TEQUESTA
54	[REDACTED]
55	[REDACTED]
56	[REDACTED]
57	FAA, ASO-22A
58	MELBORNE AIRPORT AUTHORITY
59	CITY OF MARGATE
60	[REDACTED]
61	[REDACTED]
62	[REDACTED]
63	MIAMI DADE CO FIRE HEADQUARTERS

CONFIDENTIAL