

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery  
clause.

DOCKET NO. 090002-EG  
ORDER NO. PSC-09-0193-CFO-EG  
ISSUED: March 27, 2009

ORDER GRANTING CONFIDENTIAL CLASSIFICATION FOR CERTAIN MATERIALS  
OBTAINED DURING THE CONSERVATION COST RECOVERY AUDIT (AUDIT NO. 08-  
037-4-2) OF FLORIDA POWER & LIGHT COMPANY  
(DOCUMENT NOS. 06439-08 AND 07155-08)

On August 12, 2008, 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 certain materials provided pursuant to staff's "FPL Energy Conservation Cost Recovery Clause Audit for the Year Ended December 31, 2007." Document Nos. 06439-08 and 07155-08 are currently held by the Commission's Office of Commission Clerk as confidential pending resolution of FPL's request for confidential classification. FPL asserts that the confidential information in the documents is intended to be proprietary, is treated as proprietary, and has not been publicly disclosed. FPL requests that the Commission grant confidential classification for the documents for a period of 18 months from the date of the issuance of this Order, pursuant to Section 366.093(4), F.S.

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., Florida's Public Records Act. 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:

- (b) Internal auditing controls and reports of internal auditors.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

FPL asserts that the information for which it seeks confidential status consists of FPL's internal auditing controls and reports of internal auditors, FPL's business plans and strategy, and customer specific account information. The customer information includes customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, and bills. FPL asserts that it does not reveal customer specific account information unless authorized by the customer or required to do so by law, in order to protect the customers' competitive interests and right to privacy. FPL contends that the information for which it is requesting confidential classification is entitled to that classification pursuant to Section 366.093(3)(b) and (e), F.S., as proprietary confidential business information,

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the disclosure of which would impair the company's ability to contract for the sale of goods and services on favorable terms or cause harm to its ratepayers.

FPL requests confidential classification for the information listed in the following table:

<b>WORKPAPER</b>	<b>PAGE(S)</b>	<b>LINE(S)</b>	<b>TYPE OF INFORMATION</b>
Document Nos. 06439-08 and 07115-08			
9	1	Col. B	Internal Auditing Controls and Reports of Internal Auditors
9-1	1-5	All	Internal Auditing Controls and Reports of Internal Auditors
41-2/2	1	Col I	Sensitive Competitive Business Information
41-2/3	1-5	Col I	Sensitive Competitive Business Information
41-2/4	1	Col I	Sensitive Competitive Business Information
41-2/5	1-3	Col I	Sensitive Competitive Business Information
43-1/1-1/1	1	2-5, 7  <i>Note: Bank account information from document 06439-08, line 7, was returned to the utility.</i>	Sensitive Competitive Business Information
43-1/1-1/1	2	4, 7, 14-16, 25-29	Sensitive Competitive Business Information
43-1/1-1/1	4-8, 10-15	3	Sensitive Competitive Business Information
43-1/1-1/2	1	2-5, 7  <i>Note: Bank account information from document 06439-08, line 7, was returned to the utility.</i>	Sensitive Competitive Business Information
43-1/1-1/2	2	3, 6, 14-16, 25-28, 35-39	Sensitive Competitive Business Information
43-1/1-1/2	4-5	3	Sensitive Competitive Business Information

<b>WORKPAPER</b>	<b>PAGE(S)</b>	<b>LINE(S)</b>	<b>TYPE OF INFORMATION</b>
Document Nos. 06439-08 and 07115-08			
43-1/1-1/2	6	2-5, 7  <i>Note: Bank account information from document 06439-08, line 7, was returned to the utility.</i>	Sensitive Competitive Business Information
43-1/1-1/2	7	2, 8, 11, 18-20, 25, 27-30	Sensitive Competitive Business Information
43-1/1-1/2	9-10	3	Sensitive Competitive Business Information
43-1/1-1/2	11	2-5, 7  <i>Note: Bank account information from document 06439-08, line 7, was returned to the utility.</i>	Sensitive Competitive Business Information
43-1/1-1/2	12	4, 8, 16-18, 23, 25-29	Sensitive Competitive Business Information
43-1/1-1/2	14-18, 20-25	3	Sensitive Competitive Business Information
43-1/1-7/1	3-7, 9-33, 35-62	All	Sensitive Competitive Business Information
43-1/1-7/2	1	5-7, 17-18	Sensitive Competitive Business Information
43-1/1-7/2	2-13, 16-17	All	Sensitive Competitive Business Information
43-1/1-7/2	18	3-5	Sensitive Competitive Business Information
43-1/1-7/2	19	2, 8, 13, 32	Sensitive Competitive Business Information
43-1/1-7/2	20-22	2	Sensitive Competitive Business Information
43-1/1-7/2	23-34	All	Sensitive Competitive Business Information
43-1/1-8/1	1	7-9	Sensitive Competitive Business Information
43-1/1-8/1	2	8, 12-13, 30	Sensitive Competitive Business Information

<b>WORKPAPER</b>	<b>PAGE(S)</b>	<b>LINE(S)</b>	<b>TYPE OF INFORMATION</b>
Document Nos. 06439-08 and 07115-08			
43-1/1-8/1	3-5	2	Sensitive Competitive Business Information
43-1/1-8/1	6-12	All	Sensitive Competitive Business Information
43-1/1-8/1	13	9, 18	Sensitive Competitive Business Information
43-1/1-8/1	14	3	Sensitive Competitive Business Information
43-1/1-9/1	1	3-5	Sensitive Competitive Business Information
43-1/1-9/1	2	2, 7, 9, 12, 14	Sensitive Competitive Business Information
43-1/1-9/1	3-5	2	Sensitive Competitive Business Information
43-1/1-9/1	6-43	All	Sensitive Competitive Business Information
43-1/2-1	1	3, 8-9, 12-13, 18-19a, 24-25, 29-30, 35-36	Sensitive Competitive Business Information
43-1/2-1	2	8-9	Sensitive Competitive Business Information
43-1/2-2	1	3-5	Sensitive Competitive Business Information
43-1/2-2	2	2	Sensitive Competitive Business Information
43-1/2-2	3-5	All	Sensitive Competitive Business Information
43-1/5-1/1	1	1-4	Sensitive Competitive Business Information

Upon review, it appears that the above-referenced information satisfies the criteria set forth in Section 366.093(3)(b) and (e), F.S. The information contains internal auditing controls and competitive business information, the disclosure of which would impair the company's ability to contract for the sale of goods and services on favorable terms and impair the competitive interests of its customers. In addition, the information contains customer specific information, the disclosure of which would be detrimental to the interests of FPL's customers. Therefore, confidential classification for Documents Nos. 06439-08 and 07155-08 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 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 information continues to contain proprietary confidential business information.


Based on the foregoing, it is

ORDERED by Commissioner Katrina J. McMurrian, as Prehearing Officer, that Florida Power & Light Company's request for confidential classification of portions of Document Nos. 06439-08 and 07155-08 is granted. It is further

ORDERED that the information for which confidential classification has been requested will be granted confidential classification for a period of 18 months from the date of the issuance of this Order. It is further

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

By ORDER of Commissioner Katrina J. McMurrian, as Prehearing Officer, this 27th day of March, 2009.

  
KATRINA J. McMURRIAN  
Commissioner and Prehearing Officer

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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.