

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental Cost Recovery Clause.

DOCKET NO. 090007-EI
ORDER NO. PSC-09-0708-CFO-EI
ISSUED: October 23, 2009

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S
SECOND REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
FOR MATERIALS PROVIDED PURSUANT TO AUDIT NO. 05-033-4-1
(DOCUMENT NOS. 07166-05 AND 07567-05)

This Order addresses the continuation of confidential treatment for certain documents associated with the Environmental Cost Recovery Clause audit for the year ended December 31, 2004 (Audit Control No. 05-033-4-1). By Order No. PSC-05-0917-CFO-EI, issued September 16, 2005, in Docket No. 050007-EI, the Commission granted confidential classification for portions of the documents. On March 15, 2007, Florida Power & Light Company (FPL) requested that confidential treatment be extended for an additional 18 months for the redacted information contained in Document Nos. 07166-05 and 07567-05. That request was granted by Order PSC-07-0582-CFO-EI, issued July 13, 2007, in Docket No. 070007-EI. On January 13, 2009, FPL filed a Second Request for Extension of Confidential Classification of the information covered by Orders PSC-05-0917-CFO-EI and PSC-07-0582-CFO-EI.

In its Second Request, FPL states that the period of confidential classification granted by Order No. PSC-07-0582-CFO-EI will soon expire, and that all of the information covered by that Order warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093, Florida Statutes (F.S.).

FPL asserts that the portions of staff's working papers that were the subject of Order No. PSC-07-0582-CFO-EI contain information pertaining to internal auditing reports and associated documents and customer specific account information. FPL asserts that information related to internal auditing reports is protected by Section 366.093(3)(b), F.S. FPL further asserts that it is company policy not to disclose customer-specific information, and that this information is protected under Section 366.093(3)(e), F.S. Thus, FPL requests that the information identified in Order No. PSC-07-0582-CFO-EI, detailed in Attachment A, continue to be accorded confidential classification for an additional 18 month period.

Upon review, it appears that the information discussed above continues to be proprietary confidential business information within the meaning of Section 366.093, Florida Statutes. The information has not become stale and is not publicly known. Moreover, none of the documentation discussed herein contains any information regarding the compensation of FPL executives. Therefore, FPL's request for extension of confidential treatment of the redacted portions of Document Nos. 07166-05 and 07567-05 is granted as set forth in the body of this Order.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Section 366.093(4), F.S., provides that any finding by the Commission that records contain proprietary confidential business information may be effective for an additional period of 18 months with good cause shown. FPL has demonstrated that good cause exists for the Commission to extend the confidential treatment of the redacted portions of Document Nos. 07166-05 and 07567-05 as previously granted in Order No. PSC-07-0582-CFO-EI. Accordingly, the information identified in Document Nos. 07166-05 and 07567-05, as more fully described in Attachment A, shall be granted confidential classification for a period of 18 months from the issuance of this Order.

Based on the foregoing, it is

ORDERED by Commissioner Nathan A. Skop, as Prehearing Officer, that the information contained in Document Nos. 07166-05 and 07567-05, identified by Attachment A, shall be granted continued confidential classification for a period of 18 months from the 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 Nathan A. Skop, as Prehearing Officer, this 23rd day of October, 2009.



NATHAN A. SKOP
Commissioner and Prehearing Officer

(S E A L)

MCB

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 25-22.060, 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.

Attachment A

Staff Work Paper Number	Description	Page(s)	Line(s)
9	List of Internal Audits	1	Col C
9-1	Internal Audit	1-2	All
41-1/1-1	Revenue	1-2	Col A, 1-51
41-1/1-2	Revenue	1	Col A, 1-51
41-1/1-2	Revenue	2	Col A, 1-9