

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery
clause with generating performance incentive
factor.

DOCKET NO. 100001-EI
ORDER NO. PSC-10-0090-CFO-EI
ISSUED: February 22, 2010

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
(DOCUMENT NOS. 03638-06 and 04040-06)

This Order addresses the continuation of confidential treatment for certain material Florida Power & Light Company (FPL) provided Florida Public Service Commission Staff ("staff") pursuant to Audit Control No. 06-045-4-1 (Document Nos. 03638-06 and 04040-06). These documents consist of selected portions of staff's working papers prepared during the "Florida Power & Light Fuel Capacity Cost Recovery Clause Audit for the Historical Year Ended December 31, 2005." By Order No. PSC-07-0947-CFO-EI, issued November 28, 2007, in Docket No. 070001-EI, the Commission granted confidential classification of the documents for a period of 18 months. On May 28, 2009, pursuant to Section 366.093(4), Florida Statutes (F.S.), and Rule 25-22.006(9), Florida Administrative Code (F.A.C.), FPL requested that confidential treatment of portions of the information contained in Document Nos. 03638-06 and 04040-06 be extended for an additional 18 months. FPL states that the period of confidential classification granted by Order No. PSC-07-0947-CFO-EI will soon expire and that a reduced portion of the information covered by that Order warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093, F.S. FPL has provided a new justification matrix and affidavits to clearly describe which portions of the material previously granted confidential classification it believes merit continued confidential classification. This request was filed in Docket No. 090001-EI.

FPL contends that the information covered by its request includes internal auditing controls and reports of internal auditors as defined by Section 366.093(3)(b), F.S. FPL also submits that certain information concerns security measures, systems or procedures (366.093(3)(c), F.S.); bids or other contractual data (366.093(3)(d), F.S.); and competitive interests, the disclosure of which would impair the competitive business of the provider of information (366.093(3)(e), F.S.) FPL further contends that some of the information is related to customer specific account information, the disclosure of which may harm some customers' competitive interests, and that it is FPL's policy to protect sensitive customer information from public disclosure. FPL states that no significant changes have occurred since the issuance of Order No. PSC-07-0947-CFO-EI to render the information stale or public. In addition, FPL states that it has maintained the confidentiality of the documents and materials. As a result, FPL requests that portions of the information previously granted confidential classification by Order No. PSC-07-0947-CFO-EI be accorded continued confidential classification for an additional 18-month period. A Table specifically identifying the information for which FPL seeks continued confidential classification is attached hereto as Attachment A.

DOCUMENT NUMBER-DATE

01157 FEB 22 09

FPSC-COMMISSION CLERK

Ruling

Upon review, it appears the above-referenced information, specifically described in the table in Attachment A, satisfies the criteria set forth in Section 366.093(3), F.S., for continued classification as proprietary confidential business information. The information constitutes “internal auditing controls and reports of internal auditors;” “security measures, systems, or procedures;” “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;” and/or “information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information” as described by Section 366.09.3(3)(b),(c),(d), and (e), F.S. The information has not become stale or public. Further, the Commission’s records retention policy requires audit documents be retained by the Commission for a period of 25 years; thus, the documents cannot be returned to the source. Finally, none of the documentation discussed herein contains any information regarding the compensation of FPL executives. Accordingly, FPL’s request for an extension of confidential treatment of specified portions of the information contained in Document Nos. 03638-06 and 04040-06, as detailed in Attachment A, shall be 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 records continue to contain proprietary confidential business information.

Based on the foregoing, it is

ORDERED by Commissioner Nathan A. Skop, as Prehearing Officer, that Florida Power & Light Company’s Request for Extended Confidential Classification of information contained in Document Nos. 03638-06 and 04040-06, as specifically described in Attachment A, is granted. It is further

ORDERED that the information in Document Nos. 03638-06 and 04040-06 for which confidential classification has been granted shall remain protected from disclosure for a period of 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 Commissioner Nathan A. Skop, as Prehearing Officer, this 22nd day of February, 2010.



NATHAN A. SKOP
Commissioner and Prehearing Officer

(S E A L)

LCB

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
FPL 2005 Capacity Cost Recovery Clause
Audit Control No 06-045-4-1

Workpaper No.	Description	No. of Pages	Line No./Col No.
9	List of Internal Audits	4	Col. B
41-2/3	Company Schedule of Demand Accounts	12	p. 1-12, Col. 1
41-2/3-1	Customer Bills	27	p. 2, lines 1-6, 9-20, 24, 25 p. 5, lines 3-6, 9-20, 24, 25 p. 6, lines 3-6, 9-20, 24, 25 p. 8, lines 3-6, 9-20, 24, 25 p.10, lines 3-6, 9-20, 24, 25 p.11, lines 3-6, 9-20, 24, 25 p.12, lines 3-6, 9-20, 24, 25 p.13, lines 3-6, 9-20, 24, 25 p.14, lines 3-5A, 8-19, 23, 24 p.15, lines 3-6, 9-20, 24, 25 p.16, lines 3-6, 9-20, 24, 25 p.17, lines 3-6, 9-20, 24, 25 p.18, lines 3-6, 9-20, 24, 25 p.19, lines 3-6, 9-20, 24, 25 p. 20, lines 3-6, 9-20, 24, 25 p.21, lines 3-6, 9-20, 24, 25 p. 22, lines 3-6, 9-20, 24,25 p. 23, lines 3-6, 9-20, 24, 25 p. 25, lines 3-6, 9-20, 24, 25 p.26; lines 3-6, 9-20, 24, 25 p.27; lines 3-6, 9-20, 24, 25
41-2/3-2	Customer Bills	3	p.1; lines 3-6, 9-20, 24,25 p.2; lines 3-6, 9-20, 24.25 p.3, lines 3-6, 9-20
41-2/3-3	Customer Bills	6	p.1; lines 3-6, 9-20, 24-31 p.2; lines 3-6, 9-20, 24-31 p.3; lines 3-6, 9-20, 24 & 25 p.4; lines 3-6, 9-20, 24 & 26 p.5; lines 3-6, 9-20, 24 & 26 p.6; lines 3-6, 9-20, 24 & 26
41-2/3-4	Company Schedule of Demand Accounts	3	p. 1-3, Col. 1
41-2/3-4/1	Customer Bills	3	p.1; lines 3-6, 9-20, 24 p.2; lines 3-6, 9-20, 24 p.3; lines 3-6, 9-20, 24
41-2/3-4/3	Customer Bills	1	p. 1, lines 3-6, 9-20, 24
41-2/3-5	Billing Rates	12	p.1, lines 3, 5-13, 15-17, 19-37 p.2, lines 3, 5-17, 19-30, 32, 33 p.3, lines 3, 5-17, 19-37, 39, 40 p.5, lines 3, 5-13, 15-17, 19-37 p.6; lines 3, 5-17, 19-37, 39, 40 p. 9, lines 3, 5-13, 15-17, 19-34, 36, 37 p.10, lines 3, 5-13, 15-17, 19-33, 35, 36 p.12, lines 3, 5-13, 15-17, 19-34, 36, 37
42 p. 2	GL of QF Account	1	All
42-1	Journal Detail Sheet	2	All

Workpaper No.	Description	No. of Pages	Line No./Col No.
42-2	QF Estimate Billing	1	All
42-2/1	Estimate by Month	1	All
42-3	True Up QF	1	All
43 p. 2	GL 555.410	1	All
43-1	UPS Check Request	1	All
43-1/1	Invoice	1	All
44A	GL 555.430	1	All
44 p.3-10	JEA Billing Schedules	8	All
44-1	SJRPP Accrual	2	All
44-1/1	Debit Service	3	All
44-1/1-1	Debit Service Check Request	3	p. 1 All
44-1/1-1/1	Debit Service Deposit	1	All
44-1/1-2	SJRPP Revenue Req.	1	All
44-1/2	SJRPP Transmission	3	All
44-1/2-1	Invoice	2	p. 2, All
44-1/2-2	SJRPP Transmission Payments	1	All
44-1/2-3	SJRPP Debit Service	1	All
44-1/2-4	JEA Billing Statement	2	p. 2, All
44-1/2-6	SJRPP Debt Service	1	All
44-1/3	CCRA Payment Schedule	4	All
44-1/3-1	Check Request	9	All
44-1/4	Property Taxes	1	All
44-1/4-1	Property Taxes	3	All
44-1/5	JEA Revenue Req.	2	All
44-1/6	Deferred Interest	5	All
44-1/7	Dismantlement	1	All
44-2	SJRPP Estimates	1	All
44-3	Check Request	2	All
44-4	Fixed and Variable cost Schedule	1	All
45-1	GL of Acct. 55.441	1	Col. A, Lines 10-13
47-1/1-1	Invoice	9	p. 1, line 5, Col. A, lines 23, 27, Col. B, lines 23, 27 p. 2, line 3, Col. A, B, C, D, lines 14-53 p. 3, line 3, Col. A, B, C, D lines 5-54 p. 4, line 3, Col. A, B, C, D, lines 5-45 p. 5, line 3, Col. A, B, C, D lines 5-48 p. 6, line 3, Col. A, B, C, D lines 6-47 p. 7, line 3, Col. A, B, C, D lines 5-48 p. 8, line 3, Col. A, B, C, D lines 6-47 p. 9, line 3, Col. A, B, C, D lines 5-10, lines 14-16

Workpaper No.	Description	No. of Pages	Line No./Col No.
48-1/1-1	Purchase Statement	2	p. 1, lines 26-28
48-1/1-2/1	Invoice	1	Lines 4-7, 10-12, 16-18, 20, Col. A, B, C, Line D, Col. D
48-1/1-2/1-1	Purchase Statement	2	p. 1, line 4, 15-22, Col. C-F, lines 33-34, Col. D, F, Lines 36-38 p. 2, lines 1, 5-41, Col. A, lines 50, 53
49-1/1	GL Account 555.429	2	All
49-1/2	SJRPP Suspension Accrual	1	All
52-3/4-1	Security Cost Sample of Cash Vouchers	9	p. 1, line 25