

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery
clause.

DOCKET NO. 110002-EG
ORDER NO. PSC-11-0539-CFO-EG
ISSUED: November 18, 2011

ORDER GRANTING CONFIDENTIAL CLASSIFICATION FOR CERTAIN MATERIALS
OBTAINED DURING THE CONSERVATION COST RECOVERY AUDIT (AUDIT NO. 11-
005-4-4) OF FLORIDA POWER & LIGHT COMPANY
(DOCUMENT NOS. 04575-11 AND 04114-11)

BY THE COMMISSION:

On July 1, 2011, pursuant to section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company (FPL) filed a request for confidential classification of certain materials provided pursuant to staff's Audit Control No. 11-005-4-4 Document Nos. 04575-11 and 04114-11 are currently held by the Commission's Office of the 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), Florida Statutes.

Section 366.093(1), Florida Statutes, 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, Florida Statutes, Florida's Public Records Act. Section 366.093(3), Florida Statutes, 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), Florida Statutes, 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, and competitively sensitive data. The competitively sensitive data consists of confidential terms pertaining to pension and welfare rates. 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), Florida Statutes, as

DOCUMENT NUMBER-DATE

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proprietary confidential business information, 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:

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Documents Nos. 04575-11 and 04114-11			
9-1	1-3	All, Col. A	Internal auditing information
9-1/1	1-4	All	Internal auditing information
44-1	1-2	All, Cols. A-B	Sensitive competitive business information
44-1/1	1	Lns. 3, 5, 24 & 26	Sensitive competitive business information
44-1/1-1	1	Cols. A1, A2, B & C,	Sensitive competitive business information
	2	Cols. A, B	
44-1/1-2	1-12	All, Footnote A	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), Florida Statutes. 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. Therefore, I grant confidential classification for Documents Nos. 04575-11 and 04114-11.

Pursuant to Section 366.093(4), Florida Statutes, 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), Florida Statutes, 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 Ronald A. Brisé, as Prehearing Officer, that Florida Power & Light Company's request for confidential classification of portions of Documents Nos. 04575-11 and 04114-11 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 Ronald A. Brisé, as Prehearing Officer, this 18th day of November, 2011.



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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

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appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.