

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to determine need for  
modernization of Port Everglades Plant, by  
Florida Power & Light Company.

DOCKET NO. 110309-EI  
ORDER NO. PSC-12-0033-CFO-EI  
ISSUED: January 23, 2012

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
(DOCUMENT NO. 00308-12 X-REF DN 00125-12)

On January 17, 2012, 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 or Company) filed a request for confidential classification (Request) of "certain information provided in response to Staff's First Request for Production of Documents Nos. 2 and 5." FPL asserts that the confidential information in the documents "is intended to be and is treated by FPL as private, and its confidentiality has been maintained." FPL requests that the Florida Public Service Commission (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.

Request for Confidential Classification

Section 366.093(1), F.S., provides that "any records received by the Commission which are shown and found by the Commission to be proprietary confidential business information shall be kept confidential and shall be exempt from Section 119.07(1) [the Public Records Act]." Pursuant to Section 366.093(3), F.S., proprietary confidential business information includes 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. Confidential business information includes, but is not limited to, "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. *Id* at (d).

FPL contends that the information, described with specific justification in Exhibit C of its Request, is "considered and treated as confidential." The information is generally described as "forecast data provided pursuant to FPL's contract with a third party vendor . . . that expressly prohibits FPL from disclosing the subject data. Thus, disclosure of this information would impair FPL's efforts to contract for these goods or services on favorable terms in the future." The Company asserts that the information also constitutes the third party vendor's proprietary forecast information and that its disclosure would harm the vendor. Based on the foregoing, the Company asserts that the information is entitled to confidential classification pursuant to Section 366.093(d) and (e), F.S.

DOCUMENT NUMBER-DATE

00414 JAN 23 2012

FPSC-COMMISSION CLERK

Ruling

Upon review, I find that the information identified in Document No. 00308-12 (x-ref Document No. 00125-12) and more specifically described in Exhibit C of FPL's Request, is treated by the Company as private, has not otherwise been disclosed, is contractual data, and that disclosure of the information would impair the efforts of the Company to contract for goods or services on favorable terms. Thus, the information shall be granted confidential classification pursuant to Section 366.093(3), F.S.


Based on the foregoing, it is

ORDERED by Commissioner Eduardo E. Balbis, as Prehearing Officer, that Florida Power & Light's Request for Confidential Classification of Document No. 00308-12 (x-ref Document No. 00125-12), as detailed in Exhibit C of its Request, is granted. It is further

ORDERED that the information in Document No. 00308-12 (x-ref Document No. 00125-12) 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. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless Florida Power & Light Company or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information. 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 Eduardo E. Balbis, as Prehearing Officer, this 23rd day of January, 2012.



EDUARDO E. BALBIS  
Commissioner and Prehearing Officer  
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

CWM

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.