

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for increase in rates by Florida  
Power & Light Company.

DOCKET NO. 120015-EI  
ORDER NO. PSC-12-0424-CFO-EI  
ISSUED: August 15, 2012

ORDER GRANTING REQUEST  
FOR CONFIDENTIAL CLASSIFICATION  
(DOCUMENT NO. 01648-12)

On March 19, 2012, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company (FPL or Company) filed a request for confidential classification of certain portions of its Minimum Filing Requirements (MFRs) D-2 and F-4 filed in connection with its petition for a rate increase (Document No. 01648-12).

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 1) is intended to be and is treated by the company as private, 2) disclosure of the information would cause harm to the company’s ratepayers or business operations, and 3) the information has not been voluntarily disclosed to the public. Confidential business information includes, but is not limited to “[s]ecurity measures, systems, or procedures” and “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.” *Id.* at (c) and (e).

FPL contends that portions of its MFR D-2 contain information about the capital structure of affiliated and consolidated companies, which information would harm the competitive interests of the affiliated and consolidated companies if publicly disclosed. FPL contends that the information is protected from disclosure by section 366.093(3)(e), F.S. FPL also contends that portions of MFR F-4 contain information related to security measures, systems, or procedures, which are protected from disclosure by section 366.093(3)(c), F.S.

Ruling

Upon review, I find that the information identified in Document No. 01648-12, as more specifically described in Exhibit C to the Company’s Request is treated by the Company as private, has not otherwise been disclosed, and concerns “[s]ecurity measures, systems, or procedures” and “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” As such, the information is

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protected from public disclosure by the provisions of section 366.093(3), F.S., and thus shall be granted confidential classification pursuant to Section 366.093(1), F.S.


Based on the foregoing, it is

ORDERED by Commissioner Art Graham, as Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification of portions of Document No. 01648-12, as detailed in Exhibit C to its Request, is granted. It is further

ORDERED that the information in Document No. 01648-12 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 will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Commissioner Art Graham, as Prehearing Officer, this 15th day of August, 2012.

  
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ART GRAHAM  
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.

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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.