

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery
clause.

DOCKET NO. 120002-EG
ORDER NO. PSC-12-0596-CFO-EG
ISSUED: November 1, 2012

ORDER GRANTING FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL
CLASSIFICATION OF DOCUMENT NOS. 04844-10 AND 06537-12

Pursuant to section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company (FPL) filed a request for extension of confidential classification for certain portions of staff's working papers prepared during its energy conservation cost recovery audit for the year ending December 31, 2010. Order No. PSC-11-0181-CFO-EG, issued March 30, 2011, granted confidential classification for the documents. On September 28, 2012, FPL requested that the period of time for confidential treatment be extended for the information contained in Document Nos. 04844-10 and 06537-12. FPL further requests that the information be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. Since audit materials of the type contained in these documents must be retained by the Commission for 25 years, the documents cannot be returned to FPL at this time.

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.
- (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract goods or services on favorable terms.
- (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 contains internal auditing information and three types of sensitive competitive business information: information concerning its contracts and contracting processes, information disclosing specific customer account information, and detailed financial information about its employees and their salaries. Section 366.093(3)(b), F.S. provides the Commission may grant a confidential status to internal

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auditing information. Section 366.093(3)(d), F.S. provides the Commission may grant a confidential classification to contract and bid information if its release will impair the ability of the public utility or its affiliates to purchase goods or services in the future. Lastly, Section 366.093(e), F.S. provides that the Commission may grant a confidential classification to sensitive competitive business information if release of that information will harm the competitive business of the provider of that information. FPL requests confidential classification for the information located in Document Nos. 04844-10 and 06537-12.

Upon review, it appears that the requested information satisfies the criteria set forth in Section 366.093(3)(b), (d), and (e), F.S. The information contains internal auditing controls, competitive business and contractual information, the disclosure of which would impair the company's ability to compete for services and impair the competitive interests of its customers. In addition, the information contains customer specific information, the disclosure of which would be detrimental to the interests of FPL's customers. Therefore, renewal of the confidential classification for Document Nos. 04844-10 and 06537-12 is granted.

Section 366.093(4), F.S., limits the duration of confidential classification or the extension of confidential classification to 18 months, unless there is good cause to extend the protection for a specified longer period. I find that confidentiality shall be extended for 18 months. If necessary, FPL may request an additional extension at the appropriate time.

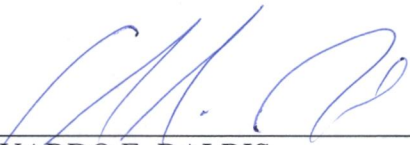
Based on the foregoing, it is

ORDERED by Commissioner Eduardo E. Balbis, as Prehearing Officer, that the information described in the body of this Order and contained in Document Nos. 04844-10 and 06537-12 shall be granted an additional 18 months of confidential classification. It is further

ORDERED that pursuant to Rule 25-22.066, F.A.C., and Section 366.093(3), F.S., confidentiality granted to the documents specified herein shall expire 18 months from the date of the issuance of this Order in the absence of a renewed request for confidentiality. 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 Eduardo E. Balbis, as Prehearing Officer, this 1st day of November, 2012.



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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.