

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental cost recovery clause.

DOCKET NO. 130007-EI  
ORDER NO. PSC-13-0229-CFO-EI  
ISSUED: May 29, 2013

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION  
(DOCUMENT NO. 02010-11, X REF. DOCUMENT NO. 07166-05)

On March 21, 2013, 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 extension of the confidential classification of information provided to the Florida Public Service Commission (Commission) pursuant to an audit of clause revenues (Audit No. 05-033-4-1). This information has been assigned Document No. 02010-11.

Request for Extended Confidential Classification

In its request, FPL states that the period of confidential classification granted by Order No. PSC-11-0502-CFO-EI will soon expire and that the information covered by that Order is confidential customer account information which warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3), F.S. FPL states that the information is intended to be, and has been, treated by FPL as private, its confidentiality has been maintained, and its disclosure would harm FPL and its customers. FPL asserts that pursuant to Section 366.093(e), F.S., such information is entitled to confidential treatment and is exempt from the disclosure provisions of public records law.

FPL argues that Rule 25-22.006(9)(a) and (c), F.A.C., permits this Commission to grant a period of confidential treatment that is greater than 18 months if needed to protect the ratepayers or the business opportunities of a utility. FPL asserts that the only remaining confidential information, from the referenced audit, is customer account information; the Company asks that such information be kept confidential for the balance of time that it must be retained by this Commission pursuant to our records retention policy. In support of its request, FPL argues that the customer-specific account information will not become stale or public over time and that granting a longer confidentiality period will save valuable resources and protect private customer information. FPL asks that the information be returned to the Company at the end of the Commission's retention schedule.

Ruling

Upon review, I find that customer-specific account information in Document No. 02010-11, which was provided to this Commission pursuant to Audit No. 05-033-4-1 and was the subject of Order No. PSC-11-0502-CFO-EI, continues to be proprietary confidential business

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information within the meaning of Section 366.093, F.S. Accordingly, FPL's request that we extend confidential treatment of the identified information contained in Document No. 02010-11 shall be granted.

In addition, I find that FPL: 1) has been persuasive in its argument that the confidential information represents customer-specific account information that should remain confidential despite the passage of time and 2) has demonstrated good cause for granting the confidential classification to the identified information for a period in excess of 18 months. However, I am not persuaded that the grant of such classification is warranted for the entire remainder of the Commission's retention schedule; thus, in accordance with Rule 25-22.006(9)(a) and (c), F.A.C., I shall grant confidential classification to the requested material for a period of five years from the date of this Order. At the conclusion of the five year 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 Eduardo E. Balbis, as Prehearing Officer, that Florida Power & Light Company's Request for Extended Confidential Classification of information contained in Document No. 02010-11 (X Ref. Document No. 07166-05) is granted. It is further

ORDERED that the information in Document No. 02010-11 (X Ref. Document No. 07166-05), for which confidential classification has been granted, shall remain protected from disclosure for a period of five years from the date 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 Eduardo E. Balbis, as Prehearing Officer, this 29th day of May, 2013.



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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.