

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's request for confidentiality of selected staff work papers related to the Review of Data Accuracy in Electric Reliability Reporting by Florida Electric IOUs.

DOCKET NO. 150217-EI
ORDER NO. PSC-15-0531-CFO-EI
ISSUED: November 13, 2015

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION (DOCUMENT NO. 04702-15)

On July 27, 2015, 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) filed an Amended Request for Confidential Classification (Request) of documents contained in Staff's Review of Data Accuracy in Electric Reliability. Specifically, it seeks confidential classification of Document No. 04702-15.

Request for Confidential Classification

FPL asserts that Document No. 04702-15 contains certain information, which is more specifically described in the justification table in Exhibit C of its Request, that constitutes "proprietary confidential business information" entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. The justification table provides support for confidential classification of the information in each section of Document No. 04702-15 on a line-by-line, column-by-column basis. FPL asserts that this information is intended to be and is treated by FPL as private and has not been publicly disclosed. FPL asserts this information is protected by Section 366.093(3)(b), F.S., Section 366.093(3)(d), F.S., and Section 366.093(3)(e), F.S.

FPL contends Document No. 04702-15 contains information concerning internal audit controls and audit reports and asserts that this information is protected by Section 366.093(3)(b), F.S. Additionally, FPL contends Document No. 04702-15 contains information concerning contractual data, that the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods of services on favorable terms, and that this information is protected by Section 366.093(3)(d) and (e), F.S.. Specifically, FPL contends Document No. 04702-15 contains benchmarking analyses that include comparative evaluations of the utility's strengths and areas for improvement, which is unrelated to compensation, duties, qualifications, or responsibilities, which FPL is required to maintain as confidential by contractual agreement. FPL states that the disclosure of this information would impair the competitive business of the provider of the information.

Ruling

Section 366.093(1), F.S., provides that records the Commission has found to contain proprietary business information shall be kept confidential and shall be exempt from Chapter 119, F.S. Section 366.093(3), F.S., 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), F.S., provides that proprietary confidential business information includes, but is not limited to:

- (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 for goods or services on favorable terms.
- (e) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

Upon review, it appears that the information described above satisfies the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information. The information described above and contained in Exhibit C to FPL's Request appears to be internal auditing controls and reports of internal auditors, information concerning bids or other contractual data, and benchmarking analysis that include comparative evaluations of the utility's strengths and areas for improvement, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms and which would impair the competitive business of the provider of information. Thus, the information identified in Document No. 04702-15 shall be granted confidential classification.

Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of up to 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 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 therefore

ORDERED by Commissioner Julie I. Brown, as Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification of information contained in Document No. 04702-15 is granted, as set forth herein. It is further

ORDERED that the information in Document No. 04702-15, for which confidential classification has been granted, shall remain protected from disclosure for a period of eighteen (18) months from the date of this Order. It is further

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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. It is further

ORDERED that this docket shall be closed.

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 13th day of November, 2015.



JULIE I. BROWN

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.

AEH

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.