

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery  
clause with generating performance incentive  
factor.

DOCKET NO. 150001-EI  
ORDER NO. PSC-15-0583-CFO-EI  
ISSUED: December 23, 2015

ORDER GRANTING DUKE ENERGY FLORIDA LLC'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
(DOCUMENT NO. 06302-15, X-REF. 05862-15)

On October 7, 2015, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Duke Energy Florida, LLC (DEF) filed a Request for Confidential Classification (Request) for portions of Commission staff audit work papers, Audit Control No. 15-051-2-1 (Document No.06302-15, x-ref. 05862-15).

Request for Confidential Classification

DEF contends that designated portions of Audit Control No. 15-051-2-1 work papers, as more specifically described in Exhibit A attached to its Request, constitute proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. Exhibit A attached to DEF's Request contains a detailed matrix providing justification and support for confidential classification of the information on a line-by-line, column-by-column basis. DEF asserts that this information is intended to be and is treated by DEF as private and has not been publicly disclosed.

The information contained in the Audit Control No. 15-051-2-1 work papers are specific details about DEF's fuel hedging volume, practices and procedures, forecasts, and percentages. DEF argues that this type of information about a commodity has been previously recognized as proprietary business information which, if released, would allow the opportunity for market manipulation through transactions made in anticipation of the company's entry into the market. The net result being that DEF would pay higher prices for natural gas to the ratepayers' detriment. Therefore, DEF asserts that this information falls within the protection of Section 366.093(3)(e), F.S. DEF further argues that if this bid and contract information were disclosed it would impair the competitive business of both itself and its suppliers in violation of Section 366.093(3)(d), F.S. DEF requests confidential classification for this information for a period of 18 months.

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. Sections 366.093(3)(d) and (e), F.S., provide that proprietary confidential business information includes, but is not limited to:

(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) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

Upon review, it appears the above-referenced information satisfies the criteria set forth in Sections 366.093(3)(d) and (e), F.S., for classification as proprietary confidential business information. The information described above and in Exhibit A, attached to DEF's Request, appears to be 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. This information reveals specific information about fuel hedging volume, pricing, and percentages. The public disclosure of any of this information could reduce DEF's competitiveness in the marketplace. This, in turn, could result in higher prices for natural gas. Therefore, the information contained in Document No. 06302-15, x-ref. 05862-15 and shall be granted confidential classification.

Section 366.093(4), F.S., provides that any finding by the Commission that records contain proprietary confidential business information shall be effective for a period not to exceed 18 months, absent good cause shown. The information identified in Document No. 06302-15, x-ref. 05862-15, shall be granted confidential classification for a period of 18 months from the issuance of this Order.

Based on the foregoing, it is

ORDERED by Chairman Art Graham, as Prehearing Officer, that Duke Energy Florida, LLC's request for confidential treatment of Document No. 06302-15, x-ref. 05862-15, is granted, as set forth herein. It is further

ORDERED that the information contained in Document No. 06302-15, x-ref. 05862-15, for which confidential classification has been granted, shall remain protected from disclosure for a period of up to 18 months from the date of issuance of this Order. 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 Chairman Art Graham, as Prehearing Officer, this 23rd day of December, 2015.

  
ART GRAHAM  
Chairman 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.

SBr

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.