

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidential classification of document request responses and portions of staff's audit report entitled Review of the Payment Arrangement Programs Offered by the Florida Electric Industry by Florida Power & Light Company.

DOCKET NO. 120251-EI  
ORDER NO. PSC-16-0067-CFO-EI  
ISSUED: February 8, 2016

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S  
SECOND REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF  
(DOCUMENT NO. 00268-16, X-REF. DOCUMENT NO. 06669-12)

On January 15, 2016, 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 its Second Request for Extension of Confidential Classification (Request) of certain information contained in the Florida Public Service Commission (Commission) Staff's Payment Arrangement Audit Report (Document No. 00268-16, x-ref. Document No. 06669-12).

Request for Confidential Classification

FPL's original request for confidential treatment of information was granted by Order No. PSC-12-0629-CFO-EI, issued November 21, 2012. On July 17, 2014, the Commission issued Order No. PSC-14-0370-CFO-EI, granting FPL's first request for extension of confidential classification. FPL asserts that all of the information that was the subject of Order No. PSC-14-0370-CFO-EI warrant continued treatment as proprietary and confidential business information.

FPL contends that the information identified in Document No. 00268-16 constitutes proprietary confidential business information entitled to protection under Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006(3), F.A.C. FPL asserts that this information is intended to be and is treated by FPL as private and that its confidentiality has been maintained.

FPL further asserts that the information sought to be protected details FPL's business strategies related to FPL's disconnection processes and procedures concerning late payment arrangements and FPL's payment arrangement practices. Finally, FPL contends that public disclosure of this information would impair the competitive business of FPL.

Ruling

Section 366.093(1), F.S., 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, 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 that has not been voluntarily disclosed to the public. Section 366.093(3), F.S., provides, in pertinent part, that proprietary confidential business information includes, but is not limited to:

- (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 Section 366.093(3)(e), F.S., for continued classification as proprietary confidential business information. The information appears to be "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." Thus, the information in Document No. 00268-16, x-ref. Document No. 06669-12, shall be granted a continuation of 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 hereby

ORDERED by Chairman Julie I. Brown, as Prehearing Officer, that Florida Power & Light Company's Second Request for Extension of Confidential Classification of Document No. 00268-16, x-ref. Document No. 06669-12, is granted. It is further

ORDERED that the information contained in Document No. 00268-16, x-ref. Document No. 06669-12, 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.

ORDERED that this docket shall be closed.

By ORDER of Chairman Julie I. Brown, as Prehearing Officer, this 8th day of February, 2016.

  
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JULIE I. BROWN  
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.

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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.