

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 160001-EI
ORDER NO. PSC-16-0398-CFO-EI
ISSUED: September 20, 2016

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION (DOCUMENT NO. 01144-16)

On March 2, 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 a Request for Confidential Classification (Request) of certain information provided in exhibits to the prepared direct testimony of Terry J. Keith (TJK-2) and Gerard J. Yupp (GJY-1) (Document No. 01144-16). This Request was filed in Docket No. 160001-EI.

Request for Confidential Classification

FPL contends that the information contained in the exhibits to witnesses Keith and Yupp's testimonies, submitted in Docket No. 160001-EI and more specifically described in the tables in Attachment C to its Request, constitutes proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. FPL asserts that this information is intended to be and is treated by FPL as private and has not been publicly disclosed.

FPL's justification for asserting that the information is confidential is found in more detail in Attachment C to its Request. FPL contends that part of the information involves contractual data which, if made public, "would impair the efforts of FPL to contract for goods or services on favorable terms." FPL asserts, more specifically, that some of the information is related to pricing for short-term capacity purchases, the disclosure of which would impair FPL's ability to contract for capacity on favorable terms. FPL argues that such information is protected pursuant to Section 366.093(3)(d), F.S. Additionally, FPL argues that this information is related to the competitive interests of FPL and of suppliers from whom FPL purchases capacity, the disclosure of which would impair the competitive business of the provider of the information, and is therefore protected pursuant to Section 366.093(3)(e), F.S.

FPL further contends that the materials contain information regarding the financial details related to FPL's asset optimization activities for natural gas and electric transmission. FPL argues that, if disclosed, this information would impair the efforts of FPL to execute transactions for natural gas commodity sales, natural gas storage, natural gas transportation, and electricity transmission on favorable terms for the benefit of its customers. FPL also argues that, if disclosed, this information would impair the competitive interests of FPL and its vendors, and would place FPL at a competitive disadvantage when coupled with other information that is publicly available. FPL asserts that this information is protected pursuant to Section 366.093(3)(d) and (e), F.S.

Ruling

Section 366.093(1), F.S., provides that records the Florida Public Service Commission (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:

(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 Section 366.093(3), F.S., for classification as proprietary confidential business information. The information described above and in Attachment C appended to FPL's Request appears to be "[i]nformation 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" and "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." Thus, the information identified in Document No. 01144-16 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

ORDERED by Commissioner Art Graham, as Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification of Document No. 01144-16 is granted, as set forth herein. It is further

ORDERED that the information in Document No. 01144-16 for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of issuance 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 Art Graham, as Prehearing Officer, this 20th day of September, 2016.


ART GRAHAM
Commissioner and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

WDT

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.

ORDER NO. PSC-16-0398-CFO-EI

DOCKET NO. 160001-EI

PAGE 4

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.