

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-16-0459-CFO-EI
ISSUED: October 13, 2016

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION (DOCUMENT NO. 02905-16)

On May 11, 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 in its Gas Reserves Internal Accounting Audit Report (audit workpapers) (Document No. 02905-16). This Request was filed in Docket No. 160001-EI.

Request for Confidential Classification

By Order No. PSC-15-0038-FOF-EI, issued January 12, 2015, the Florida Public Service Commission approved FPL's request to recover its investment in the Woodford gas reserves Project in the fuel clause (the "Woodford Project.") As instructed by the Florida Public Service Commission, FPL performed an internal audit associated with the Woodford Project. The Florida Public Service Commission has requested a copy of FPL's Gas Reserves Internal Accounting Audit Report (audit workpapers)

FPL asserts that the information that was the subject of Order No. PSC-15-0038-FOF-EI warrants treatment as proprietary and confidential business information. Included within FPL's request are Exhibit A, Exhibit B, Exhibit C, and Exhibit D. Exhibit A and Exhibit B contain the highlighted and redacted information for which FPL is seeking confidential classification. Exhibit C is a table that identifies the specific pages, lines or columns of confidential information, references the specific statutory bases for confidentiality, Exhibit D contains the declaration of Kim Ousdahl in support of FPL's request.

FPL asserts that the workpapers contain information pertaining to internal auditing reports. Specifically, the workpapers contain information related to the internal auditing scope, process, findings, and reports. FPL asserts that for the Internal Auditing department to fulfill its essential role, this information must remain confidential. Additionally, FPL asserts that this information must remain confidential to avoid harm to FPL and its customers. FPL argues that this information should be protected pursuant to Section 366.093(3)(b), F.S.

FPL contends that the workpapers have been treated and are intended to be treated as confidential by FPL and Weaver. FPL files this Request to maintain continued confidential handling of the information contained in the work papers. FPL asserts that the disclosure of this

information would cause harm to FPL and its customers. FPL argues that this information should be protected pursuant to Section 366.093, Florida Statutes (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 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 in Exhibit A, attached to FPL's Request, appears to contain information related to internal auditing control and reports of internal auditors; thus, the information identified in Document No. 02905-16 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 hereby

ORDERED by Commissioner Art Graham, as Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification of Document No. 02905-16 is granted. It is further

ORDERED that the information in Document No. 02905-16, for which confidential classification has been granted, shall remain protected from disclosure for a period of up to 18 months from the date of the 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 Commissioner Art Graham, as Prehearing Officer, this 13th day of October, 2016.



ART GRAHAM

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.

SAF/DJ

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

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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.