

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental cost recovery clause.

DOCKET NO. 170007-EI
ORDER NO. PSC-17-0197-CFO-EI
ISSUED: May 19, 2017

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
(DOCUMENT NOS. 03557-15 AND 03956-17)

On March 31, 2017, 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 or Company) filed its First Request for Extension of Confidential Classification of materials provided in response to Audit Control No. 15-014-4-1. The materials provided include: (1) pricing information relating to the design, fabrication, procurement, delivery, and construction of Electrostatic Precipitators for integration in oil-fired power generation facility; (2) information showing the allocation of certain costs related to the determination of overhead rates; (3) business information containing internal auditing controls, reports or notes of internal auditors, or information relating to internal auditing reports issued in 2014; and (4) information relating to pricing for work provided at the Turkey Point cooling canal.

Request for Extended Confidential Classification

In its request, FPL states that the period of confidential classification granted by Order PSC-15-0484-CFO-EI, issued October 15, 2015, will soon expire and that some of the information covered by that Order warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093, F.S. FPL states that the information for which it seeks confidential classification remains "proprietary confidential business information" within the meaning of Section 366.093(3), F.S., as it is information relating to (1) bids or other contractual data, the disclosure of which would impair FPL's efforts to contract for goods or services on favorable terms in the future, or (2) the competitive interests of FPL, Georgia Power or their vendors, the disclosure of which would impair competitive business interests and the ability to contract for goods and services on favorable terms for the benefit of customers. FPL states that this information is intended to be, and has been, treated as confidential by the Company.

Ruling

Upon review, it appears that some of the information, which was the subject of Order No. PSC-15-0484-CFO-EI continues to be proprietary confidential business information within the meaning of Section 366.093, F.S., to the same extent confidentiality was granted by the Commission's prior order. The information contained in Document No. 03956-17¹ qualifies as

¹ Document No. 03956-17 replaces and supersedes Document No. 04027-15 which was attached to the Company's First Request for Confidential Classification.

proprietary confidential business information pursuant to Section 366.093(b), (d) and (e), F.S., since it relates to internal auditing controls, bids or contractual data, and the competitive interests of FPL, Georgia Power, and their vendors. Accordingly, FPL's request for extension of confidential treatment of portions of the information contained in Document No. 03557-15, as narrowed by Document No. 03956-17 and the Company's instant request, shall be granted.

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 18 months from the date 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 Ronald A. Brisé, as Prehearing Officer, that Florida Power & Light Company's First Request for Extended Confidential Classification of certain information contained in Document No. 03557-15, as narrowed by Document No. 03956-17 and the Company's instant request, is hereby granted. It is further

ORDERED that the information for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date 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 materials discussed herein.

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 19th day of May, 2017.



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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.