

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida
Power & Light Company.

DOCKET NO. 20160021-EI
ORDER NO. PSC-2017-0475-CFO-EI
ISSUED: December 19, 2017

ORDER GRANTING FIRST REQUEST FOR EXTENSION
OF CONFIDENTIAL CLASSIFICATION (DOCUMENT NO. 02144-16)

On April 14, 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 for its response to Commission staff's First Request for Production of Documents No. 4 (Document No. 02144-16). This request was granted by Order No. PSC-16-0179-CFO-EI, issued on May 4, 2016. On November 3, 2017, FPL filed its First Request for Extension of Confidential Classification of Information Provided in Response to Staff of the Florida Public Service Commission's First Request for Production of Documents (No. 4) (Document No. 02144-16).

Request for Confidential Classification

FPL contends that information contained in its response to Commission staff's First Request for Production of Documents No. 4 continues to fall within these categories and, thus, 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.

The information for which FPL seeks continued confidentiality consists of internal audit reports for FPL's affiliate management fees dated December 6, 2013, FPL's affiliate direct charges dated June 2, 2014, and FPL's affiliate service fees dated March 31, 2014. FPL asserts that this information contains internal audit controls, processes, and reports in relation to FPL's affiliate billing processes in 2013 and 2014. FPL states that full and frank disclosure of information to its internal auditing department is essential for the department to confirm the accuracy of the drivers and allocation processes currently in place. Disclosure of this audit information could be harmful to FPL, and ultimately its customers, since it may well affect the effectiveness of the internal auditing department itself. FPL has requested that this information be granted confidentiality for a period of 18 months and returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business.

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:

- (b) Internal auditing controls and reports of internal auditors.

Upon review, it appears that the above-referenced information continues to satisfy the criteria set forth in Section 366.093(3)(b), F.S., for classification as proprietary confidential business information. The information at issue consists of FPL's internal audits for the years 2013 and 2014 of direct, management and service fees for FPL's affiliated companies. Thus, the information identified in Document No. 02144-16, 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 Gary F. Clark, as Prehearing Officer, that Florida Power & Light Company's First Request for Extension of Confidential Classification of Information Provided in Response to Staff of the Florida Public Service Commission's First Request for Production of Documents (No. 4), Document No. 02144-16, is granted, as set forth herein. It is further

ORDERED that the information in Document No. 02144-16, 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 Gary F. Clark, as Prehearing Officer, this 19th day of December, 2017.



GARY F. CLARK
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.

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.