

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for limited proceeding for recovery of incremental storm restoration costs related to Hurricane Matthew by Florida Power & Light Company.

DOCKET NO. 20160251-EI
ORDER NO. PSC-2018-0229-CFO-EI
ISSUED: May 7, 2018

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION (DOCUMENT NO. 02811-2018)

On April 6, 2018, 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) for portions of Helmuth W. Schultz, III's testimony and portions of Exhibit No. (HWS-2), Schedules C, D, and G filed on April 6, 2018 (Document No. 02811-2018).

Request for Confidential Classification

FPL contends that designated portions of Witness Schultz's testimony and exhibits, as more specifically described in Exhibit C attached to its Request, constitute proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. Exhibit C attached to FPL's Request contains a detailed matrix providing justification and support for confidential classification of the information on a line-by-line, column-by-column basis. FPL asserts that this information is intended to be and is treated by FPL as private and has not been publicly disclosed.

The information contained in Witness Schultz's testimony and exhibits includes the hourly rate and number of contractor employees used during Hurricane Matthew as well as the amount of contractor expenses capitalized by FPL. FPL argues that if this contract information were disclosed it would impair its supplier relationships and impede FPL's ability to secure these types of services at the best prices in the future. FPL requests confidential classification for this information for a period of 18 months.

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. Sections 366.093, F.S., provide 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 Sections 366.093(3)(d) and (e), F.S., for classification as proprietary confidential business information. The information described above and in Exhibit C, attached to FPL's Request, appears to be 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. This information reveals specific information about third-party contractors, lodging suppliers, and vendors as well as prepayment provisions that ensure there are adequate construction, restoration and logistical resources necessary to perform storm restoration. Therefore, the information contained in Document No. 02811-2018 shall be granted confidential classification.

Section 366.093(4), F.S., provides that any finding by the Commission that records contain proprietary confidential business information shall be effective for a period not to exceed 18 months, absent good cause shown. Therefore, the information identified in Document No. 02811-2018, shall be granted confidential classification for a period of up to 18 months from the issuance of this Order.

Based on the foregoing, it is hereby

ORDERED by Commissioner Julie I. Brown, as Prehearing Officer, that Florida Power & Light Company's request for confidential treatment of Document No. 02811-2018 is granted, as set forth herein. It is further

ORDERED that the information contained in Document No. 02811-2018, 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.

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 7th day
of May, 2018.



JULIE I. BROWN
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.

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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.