

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental cost recovery clause.

DOCKET NO. 20180007-EI
ORDER NO. PSC-2018-0600-CFO-EI
ISSUED: December 21, 2018

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S
SECOND REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
(DOCUMENT NOS. 03557-2015 AND 03956-2017)

On November 16, 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 or Company) filed its Second Request for Extension of Confidential Classification (Request) of materials provided pursuant to Audit No. 2015-014-4-1. Specifically, FPL seeks extended classification of Document Nos. 03557-2015 and 03956-2017.

Request for Extended Confidential Classification

In its Request, FPL states that the period of confidential classification granted by Order No. PSC-2017-0197-CFO-EI, issued on May 19, 2017, would soon expire and that 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 internal auditing controls and reports of internal auditors; 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; and information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. FPL states that this information is intended to be and has been treated as confidential by the Company.

Ruling

Upon review, it appears that the information, which was the subject of Order Nos. PSC-2015-0484-CFO-EI issued on November 15, 2015, and PSC-2017-0197-CFO-EI, issued on May 19, 2017, 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 orders. The information contained in Document Nos. 03557-2015 and 03956-2017 qualifies as proprietary confidential business information pursuant to Sections 366.093(b), 366.093(d), and 366.093(e), since the documents include: internal auditing controls and reports of internal auditors; 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; and information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Accordingly, FPL's request

for extension of confidential treatment of portions of the information contained in Document Nos. 03557-2015 and 03956-2017 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 36 months from the date of this Order. At the conclusion of the 36 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 Gary F. Clark as Prehearing Officer, that Florida Power & Light Company's Request for Extended Confidential Classification of information contained in Document Nos. 03557-2015 and 03956-2017 is granted. It is further

ORDERED that the information in Document Nos. 03557-2015 and 03956-2017 for which confidential classification has been granted shall remain protected from disclosure for a period of 36 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 the materials discussed herein.

By ORDER of Commissioner Gary F. Clark, as Prehearing Officer, on this 21st day of December, 2018.



GARY F. CLARK
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.

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.