

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 20210015-EI
ORDER NO. PSC-2021-0284-CFO-EI
ISSUED: July 29, 2021

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 03701-2021)

On April 26, 2021, 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 of its second supplemental responses to Office of Public Counsel's (OPC) First Request for Production of Documents Nos. 45 and 57 and OPC's First Set of Interrogatories Nos. 93-96 (Document No. 03701-2021).

Request for Confidential Classification

FPL contends that portions of the information contained in OPC's First Request for Production of Documents Nos. 45 and 57 and OPC's First Set of Interrogatories Nos. 93-96, constitute 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 contained in these discovery responses for which confidentiality is requested consists of Corporate Service Charge data related to executive compensation that FPL states, if disclosed, could affect the utility's ability to recruit and retain talented executives. The discovery responses also contain internal audits, bids, contractual data, and insurance contracts. FPL argues that this information is protected by Sections 366.093(3)(b), (d) and (e), 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:

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

...

(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 Section 366.093(3), F.S., for classification as proprietary confidential business information. The information regarding executive compensation, if disclosed, could affect FPL's ability to hire and retain top executives. Further, the disclosure of internal audits, bids, contractual data, and insurance contracts could impair the ability of FPL to secure goods and services on the most favorable terms. Thus, the information identified in Document No. 03701-2021, shall be granted confidential classification.

Pursuant to Section 366.093(4), F.S., confidential classification may only extend for up to 18 months from the issuance of an Order granting confidential classification unless "the Commission finds, for good cause, that the protection from disclosure shall be for a specified longer period." We find that the information identified in Document No. 03701-2021, shall be granted confidential classification for a period of 18 months from the issuance of this Order.

Based on the foregoing, it is hereby

ORDERED by Chairman Gary F. Clark, as Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification of Document No. 03701-2021, is granted, as set forth herein. It is further

ORDERED that the information in Document No. 03701-2021, 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 shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Chairman Gary F. Clark, as Presiding Officer, this 29th day of July, 2021.



GARY F. CLARK
Chairman and Presiding 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.