

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery  
clause with generating performance incentive  
factor.

DOCKET NO. 20210001-EI  
ORDER NO. PSC-2021-0341-CFO-EI  
ISSUED: September 14, 2021

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S FIRST REQUEST  
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION  
(DOCUMENT NOS. 02318-2021 and 04254-2019)

On February 19, 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 its First Request for Extension of Confidential Classification (Request) of certain information provided pursuant to Audit No. 2019-017-4-1 (Document Nos. 02318-2021 and 04254-2019). This information was originally granted confidential classification by Order No. PSC-2019-0342-CFO-EI, issued August 21, 2019.

Request for Confidential Classification

FPL contends that the information provided pursuant to Audit No. 2019-017-4-1 contains information of a confidential nature, which is proprietary confidential business information within the meaning of Subsection 366.093(3), F.S. This information is intended to be and is treated by FPL as private, and its confidentiality has been maintained. This information includes details about FPL's internal auditing controls, reports or notes of internal auditors, and information relating to internal auditing reports issued in 2018. Release of this information would be harmful to FPL and its customers because it may impact the effectiveness of the Internal Auditing department itself. The confidential information also includes data such as pricing and other terms, payment records, and vendor and supplier rates related to the purchase or sale of energy and capacity, natural gas, and natural gas storage. Disclosure of this type of information would impair the efforts of FPL to contract for energy and capacity-related goods or services on favorable terms for the benefit of its customers and would impair the competitive interests of FPL and its vendors. Therefore, FPL contends that this information is protected by Paragraphs 366.093(3)(b), (d), and (e), F.S.

Ruling

Subsection 366.093(1), F.S., provides that records the Commission has found to contain proprietary business information shall be kept confidential and shall be exempt from Chapter 119, F.S. Subsection 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. Subsection 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 service 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 that nothing has changed since the issuance of Order PSC-2019-0342-CFO-EI and that the information and data provided in this request continues to satisfy the criteria set forth in Subsection 366.093(3), F.S., for classification as proprietary confidential business information. The information and data provided in this request constitutes “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 service on favorable terms, and information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Thus, the information identified in Document Nos. 02318-2021 and 04254-2019 shall be granted confidential classification.

Pursuant to Subsection 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 unless good cause is shown that protection from disclosure shall be for a specified longer period. FPL has requested that this information be protected for a period of 36 months for administrative efficiency. FPL notes that audit reports are maintained by the Commission for a period of seven years and that the nature of the materials in this request will not change in the next three years. Given these factors, this material shall be granted confidentiality 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 Subsection 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 Andrew Giles Fay, as Prehearing Officer, that Florida Power & Light Company’s First Request for Extension of Confidential Classification for portions of Audit No. 2019-017-4-1 (Document Nos. 02318-2021 and 04254-2019) is granted. It is further

ORDERED that the information in Document Nos. 02318-2021 and 04254-2019, for which confidential classification has been granted, shall remain protected from disclosure for a period of up to 36 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 Andrew Giles Fay, as Prehearing Officer, this 14th day of September, 2021.



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ANDREW GILES FAY

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 Subsection 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.