

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Gulf Power  
Company.

DOCKET NO. 20160186-EI  
ORDER NO. PSC-2022-0430-CFO-EI  
ISSUED: December 16, 2022

ORDER GRANTING FLORIDA POWER & LIGHT'S  
THIRD REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION  
(DOCUMENT NOS. 00182-2017 AND 05003-2022)

On July 26, 2022, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Florida Power & Light (FPL) filed its Third Request for Extension of Confidential Classification of documents contained in Audit No. 2016-295-1-1. On January 1, 2021, FPL and the company formerly known as Gulf Power Company (Gulf) legally merged, with FPL as the surviving entity. Effective January 1, 2022, Gulf no longer existed as a separate ratemaking entity. Accordingly, FPL seeks to extend the confidential classification of Document Nos. 00182-2017 and 05003-2022 originally requested by Gulf.

Request for Confidential Classification

Gulf's original request for confidential treatment of information was granted by Order No. PSC-2017-0082-CFO-EI, issued on March 2, 2017. Gulf's first request for extension of confidential treatment was granted by Order No. PSC-2019-0126-CFO-EI, issued on April 11, 2019. Gulf's second request for extension of confidential treatment was granted by Order No. PSC-2020-0417-CFO-EI, issued on November 6, 2020. FPL asserts that all of the information that was the subject of Order No. PSC-2017-0082-CFO-EI, Order No. PSC-2019-0126-CFO-EI, and PSC-2020-0417-CFO-EI warrants continued treatment as proprietary and confidential business information.

FPL contends that Document Nos. 00182-2017 and 05003-2022 contain certain information that constitutes "proprietary confidential business information" entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. FPL states that this information is intended to be and is treated by FPL as private and has not been publicly disclosed.

FPL further contends that Document Nos. 00182-2017 and 05003-2022 contain information concerning internal auditing controls and reports on internal auditors and asserts that this information is protected by Section 366.093(3)(b), F.S. Additionally, FPL asserts the document contains information concerning contractual data, that 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 that this information is protected by Section 366.093(3)(d) and (e), F.S.

Ruling

Section 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. 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:

(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 information.

Upon review, it appears that the information satisfies the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information. The information appears to be audit workpapers that contain internal auditing controls and reports of internal auditors, information concerning bids or other contractual data, and information relating to competitive interests. The disclosure of these documents would impair FPL's efforts to contract for goods or services on favorable terms, and would impair the competitive business of the provider of information. Thus, the information identified in Document Nos. 00182-2017 and 05003-2022 shall be granted a continuation of 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

ORDERED by Commissioner Gary F. Clark, as Prehearing Officer, that Florida Power & Light Company's Third Request for Extension of Confidential Classification of the information contained in Document Nos. 00182-2017 and 05003-2022 is granted. It is further

ORDERED that the information in Document Nos. 00182-2017 and 05003-2022, for which confidential classification has been granted, shall remain protected from disclosure for a period of up to 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. It is further

ORDERED that this docket shall be closed.

By ORDER of Commissioner Gary F. Clark, as Prehearing Officer, this 16th day of December, 2022.



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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.

AEH

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.