

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidential classification of portions of customer data security of Florida's five investor-owned utilities, by Florida Power & Light Company.

DOCKET NO. 080062-EI
ORDER NO. PSC-08-0268-CFO-EI
ISSUED: April 30, 2008

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S
AMENDED REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 10946-07)

On December 7, 2007, 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 a request for confidential classification for certain information contained in the Commission's Review of Customer Data Security of Florida's Five Investor-Owned Utilities (Document No. 10775-07). FPL amended its request on December 14, 2007, which is intended to supersede and replace the December 7, 2007, request and all exhibits attached thereto. Document No. 10946-07 was assigned to the revised materials at issue, and Document No. 10775-07 will be returned to the company.

Section 366.093(1), F.S., provides that "any records received by the [C]ommission which are shown and found by the [C]ommission to be proprietary confidential business information shall be kept confidential and shall be exempt from Section 119.07(1) [the Public Records Act]." 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. Paragraph (3)(c) of Section 366.093, F.S., provides that proprietary confidential business information includes, but is not limited to "[s]ecurity measures, systems, or procedures."

FPL contends that the information at issue, contained in the Commission's Review of Customer Data Security, as more specifically described in the table in Attachment C to the company's amended request, falls within this category and, thus, 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 states that the information for which it requests confidential classification consists of security measures, systems, or procedures, the disclosure of which may impair the customer information security efforts of FPL, to the detriment of FPL and its customers. This information, which describes specific physical or informational security measures, could be used by a person in an attempted attack on FPL's system. Additionally, such a person could try to exploit information related to any perceived weaknesses or concerns identified in the report.

DOCUMENT NUMBER-DATE

03474 APR 30 08

FPSC-COMMISSION CLERK

Ruling

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 constitutes “[s]ecurity measures, systems, or procedures.” Thus, the information identified in Document No. 10946-07 shall be granted 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 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 Katrina J. McMurrin, as Prehearing Officer, that Florida Power & Light Company’s Amended Request for Confidential Classification of Document No. 10946-07 is granted. It is further

ORDERED that the information in Document No. 10946-07 for which confidential classification has been granted shall remain protected from disclosure for a period of 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 Commissioner Katrina J. McMurrin, as Prehearing Officer, this 30th day of April, 2008.


KATRINA J. McMURRIAN
Commissioner and Prehearing Officer

(S E A L)

RG

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 25-22.060, 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.