

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidential classification of portions of review of fuel procurement hedging practices of Florida's investor-owned electric utilities, by Florida Power & Light Company.

DOCKET NO. 080438-EI  
ORDER NO. PSC-08-0637-CFO-EI  
ISSUED: October 1, 2008

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION OF DOCUMENT NOS. 05193-08, 05706-08, 07404-08 (CROSS REF. 05706-08 AND 07436-08) AND 07436-08 (CROSS REF. 05706-08 AND 07404-08)

On June 18, 2008, Florida Power & Light Company (FPL) requested that certain information provided to the Commission staff in connection with Section 3.0 of the "Review of Fuel Procurement Hedging Practices of Florida's Investor-Owned Utilities," No. PA-07-11-007 (the FPL Hedging Review) be exempted from public access in accordance with Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.). The portions of the FPL Hedging Review that are subject to the request are contained in Document No. 05193-08.

On July 1, 2008, FPL requested that certain portions of staff's audit workpapers prepared in connection with the FPL Hedging Review be exempted from public access, also in accordance with Section 366.093, F.S., and Rule 25-22.006, F.A.C. The portions of the staff audit workpapers that are subject to the request are contained in Document No. 05706-08.

On August 7, 2008, FPL filed a supplemental request to its July 1, 2008, request, to include FPL's responses to staff data request nos. DR-01, DR-02 and DR-03 among the workpapers prepared in connection with the FPL Hedging Review for which FPL seeks to be exempted from public access in accordance with Section 366.093, F.S., and Rule 25-22.006, F.A.C. (FPL did not provide a copy of its responses to the staff data requests along with this request, as they are voluminous and are already in the possession of the audit staff, who will transfer its copy of the responses to the Office of the Commission Clerk.)

FPL's justifications for the confidential treatment of the above-described requested information is contained on Attachment A to this Order, which is incorporated herein by reference.

Section 366.093(1), F.S., provides that "any records received by the commission which are shown and found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from [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. Section 366.093(3)(b)(d) and (e), F.S., provide that proprietary confidential business

DOCUMENT NUMBER-DATE

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information includes, but is not limited to “[i]nternal auditing controls and reports of internal auditors,” “[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliate to contract for goods or services on favorable terms,” and “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.”

FPL contends that the information falls within these categories 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.

Upon review, it appears that the above-referenced information satisfies the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information and shall be treated as confidential. The information constitutes “[i]nternal auditing controls and reports of internal auditors,” “[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliate to contract for goods or services on favorable terms,” or “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Thus, this information is 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 Nathan A. Skop, as Prehearing Officer, that Florida Power & Light Company’s Requests for Confidential Classification of Document Nos. 05193-08 and 05706-08 are hereby granted. Document Nos. 07404-08 (cross ref. 05706-08 and 07436-08) and 07436-08 (cross ref. 05706-08 and 07404-08) are also granted confidential classification. It is further

ORDERED that pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 366.093. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Commissioner Nathan A. Skop, as Prehearing Officer, this 1st day of October, 2008.



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NATHAN A. SKOP  
Commissioner and Prehearing Officer

( S E A L )

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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, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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.

**EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Work Papers  
**AUDIT:** FPL, Fuel Procurement Hedging Practices  
**DOCKET NO.** 080001- EI

Page No.	Conf Y/N	Line No./Col No.	Florida Statute 366.093(3) Subsection	Affiant
25	Y	Lns. 9-10	(d)	G. Yupp
26	N			
27	N			
28	Y	Lns. 17-19, 22-24, 29, 31	(d)	G. Yupp
29	Y	Lns. 2, 10-12, 14-16, 18-21, 27, 29-30	(d)	G. Yupp
30	Y	Lns. 1, 7, 11-13, 33	(d)	G. Yupp
31	Y	Lns. 3-15, 17-29	(d)	G. Yupp
32	Y	Lns. 6, 30	(d)	G. Yupp
33	Y	Lns. 4-14	(d)	G. Yupp
34	Y	Lns. 1-13, 16-28	(d)	G. Yupp
35	Y	Lns. 1-2, 36	(d)	G. Yupp
36	Y	Lns. 4, 9, 13-21, 33-41	(d)	G. Yupp
37	Y	Lns. 4, 7-8, 23, 26, 28	(d)	G. Yupp
38	N			
39	N			
40	N			
41	N			
42	Y	Lns. 13, 17-39	(d)	G. Yupp
43	N			
44	Y	Lns. 15, 17	(d)	G. Yupp
45	N			
Attachment B	Y	Lns. 4-6, 9-11, 13, 15, 18	(d)	G. Yupp

## EXHIBIT C

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Work Papers  
**AUDIT PURPOSE:** Electric IOU Hedging Procurement Review

Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
Interview	1	N			
DR - 01	1	N			
DR - 02	1	N			
DR - 03	1	N			
PPS 8/30/07	3	Y	Pgs. 1-3, ALL	(d)	G. Yupp
PPS 6/27/07	3	Y	Pgs. 1-3, ALL	(d)	G. Yupp
PPS 5/4/07	2	Y	Pgs. 1-2, ALL	(d)	G. Yupp
PPS 4/13/07	2	Y	Pgs. 1-2, ALL	(d)	G. Yupp
PPS 2001-2003	24	N Y	Cover Page Pgs. 1-23, ALL	(d)	G. Yupp
PPS 2004	21	N Y	Cover Page Pgs. 1-20, ALL	(d)	G. Yupp
PPS 2005	26	N Y	Cover Page Pgs. 1-25, ALL	(d)	G. Yupp
PPS 2006	43	N Y	Cover Page Pgs. 1-42, ALL	(d)	G. Yupp
PPS 2007	6	N Y	Cover Page Pgs. 1-5, ALL	(d)	G. Yupp
PPS 10/31/06	15	Y	Pgs. 1-15, ALL	(d)	G. Yupp
BRR Work Plan	12	N Y N	Pg. 1, Pg. 2, Cols. D, E Pgs. 3-12	(d)	G. Yupp
BOP Analysis	6	N Y N	Pg. 1A, Pg. 2A, Ln. 6 Pgs. 3A-6A	(d)	G. Yupp
BOP Analysis	10	N Y Y Y N Y Y Y Y N	Pg. 1 Pg. 2, Lns 16-18 Pg. 3, Lns. 3-7, 19-20 Pg. 4, Lns. 9-14, 18-23 Pg. 5 Pg. 6, Lns. 17-19 Pg. 7, Lns. 15-19 Pg. 8, Ln. 30 Pg. 9, Lns. 1, 3-4, 17-19 Pg. 10	(d)	G. Yupp
BOP Analysis	2	N	Pgs. 1-2		
BOP Analysis	11	N Y Y Y N Y Y N Y	Pgs. 1B-2B Pg. 3B, Lns. 14A-15, 32-33, 37 Pg. 4B, Lns. 1-4, 47 Pg. 5B, Ln. 1-2 Pgs. 6B-7B Pg. 8B, Graph Pg. 9B, Graph Pg. 10B, Graph Pg. 11B, Graph	(d)	G. Yupp

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**AUDIT PURPOSE:** Electric IOU Hedging Procurement Review  
**DOCKET NO.:** 080438-EI

Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
<b>DR - 01</b>					
Request No.1	11	N			
Request No.2	1	Y	ALL	(d)	G.Yupp
Request No.3	1	Y	ALL	(d)	G.Yupp
Request No.4	1	Y	ALL	(d)	G.Yupp
Request No.5	1	Y	ALL	(d)	G.Yupp
Request No.6	1	Y	ALL	(d)	G.Yupp
Request No.7	40	Y	ALL	(d)	G.Yupp
Request No.8	71	Y	ALL	(d)	G.Yupp
Request No.9	2	Y	ALL	(d)	G.Yupp
Request No.10	2	Y	ALL	(d)	G.Yupp
Request No.10/A-1	7	Y	ALL	(d)	G.Yupp
Request No.10/A-2	7	Y	ALL	(d)	G.Yupp
Request No.10/A-3	9	Y	ALL	(d)	G.Yupp
Request No.10/B-1	5	Y	ALL	(d)	G.Yupp
Request No.10/B-2	6	Y	ALL	(d)	G.Yupp
Request No.10/B-3	6	Y	ALL	(d)	G.Yupp
Request No.10/C-1	40	Y	ALL	(d)	G.Yupp
Request No.10/C-2	42	Y	ALL	(d)	G.Yupp
Request No.10/C-3	40	Y	ALL	(d)	G.Yupp
Request No.10/D-1	7	Y	ALL	(d)	G.Yupp
Request No.10/D-2	6	Y	ALL	(d)	G.Yupp
Request No.11	13	Y	ALL	(d)	G.Yupp
Request No.12	1448	Y	ALL	(d)	G.Yupp
Request No.13	1	Y	Pg. 1 Lns. 7, 9-10, 14-15	(d)	G.Yupp
Request No.14	1	N			
<b>DR- 02</b>					
Request No.1	2	Y N	Pg. 1, Lns. 21-22 Pg. 2	(d)	G.Yupp
Request No.2	1	N			
Request No.3	1	Y	Pg. 1, Lns. 16, 20, 24	(d)	G.Yupp
Request No.4	1	Y	Pg. 1, Cols. A-C, E-G	(d)	G.Yupp
Request No.5	2	Y N	Pg. 1, Cols. A-E, Pg. 2	(d)	G.Yupp
Request No.6	3	Y	Pg. 1, Lns. 17-23, Pg. 2, Lns. 5-11, Attachment I, 4 Pgs. ALL	(d)	G.Yupp
Request No.7	1	N			
Request No.8	1	N			

Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
		Y	Attachment I, Pg. 1, All	(d)	G.Yupp
Request No.9	1	N			
Request No.10	1	Y	Pg. 1, Lns. 13-14,16	(d)	G.Yupp
Request No.11	1	Y	Pg. 1, Lns. 10	(d)	G.Yupp
Request No.12	1	Y	Pg. 1, Col. B	(d)	G.Yupp
Request No.13	1	Y	Pg. 1, ALL	(d)	G.Yupp
Request No.14	1393	Y	ALL	(d)	G.Yupp
Request No.15	2	Y	Pg. 1, Lns. 11-12 Attachment I, Pg. 1, ALL	(d)	G.Yupp
Request No.16	1	Y	Pg. 1, Lns. 13-14, 16-17, 20-27	(d)	G.Yupp
Request No.17	1	N			
Request No.18	220	N			
<b>DR- 03</b>					
Request No.1	2	Y	Pg. 1, Cols. A-E Pg. 2, Cols. A-E	(d)	G.Yupp
Request No.2	2	Y	Pg. 1, Cols. A-E Pg. 2, Cols. A-E	(d)	G.Yupp