

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery
clause.

DOCKET NO. 090002-EG
ORDER NO. PSC-09-0192-CFO-EG
ISSUED: March 27, 2009

ORDER GRANTING THIRD REQUEST FOR EXTENSION OF CONFIDENTIAL
CLASSIFICATION OF DOCUMENT NOS. 07733-02 and 02446-06

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 extension of confidential treatment for certain portions of staff's working papers prepared during "FPL's Energy Conservation Cost Recovery Clause Audit for the year ended December 31, 2001." Order No. PSC-02-1493-CFO-EG, issued on October 31, 2002, initially granted confidential classification for the documents. Order No. PSC-04-0841-CFO-EG, issued on August 27, 2004 granted an extension for confidential classification for a period of 18 months. Subsequently, Order No. PSC-06-0558-CFO-EG, issued on June 29, 2006, granted a second extension for confidential classification for an additional 18 months. FPL has requested that the period of time for confidential treatment be extended for the information contained in Document Nos. 07733-02 and 02446-06. FPL further requests that the information be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. Since audit materials of the type contained in these documents must be retained by the Commission for 25 years, the documents cannot be returned to FPL at this time.

Section 366.093(1), F.S., provides that records that the Commission has found to contain proprietary confidential business information shall be kept confidential and shall be exempt from Chapter 119, F.S., Florida's 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 that has not been voluntarily disclosed to the public. Section 366.093(3), F.S., provides that proprietary confidential business information includes:

- (b) Internal auditing controls and the reports of internal auditors.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

FPL asserts that the information for which it seeks confidential status consists of FPL's internal auditing controls and reports of internal auditors, FPL's business plans and strategy, and customer specific account information. The customer information includes customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, and bills. FPL asserts that it does not reveal customer specific account information unless authorized by the customer or required to do so by law, in order to protect the customers' competitive interests and right to privacy. FPL contends that the

DOCUMENT NUMBER-DATE

02745 MAR 27 09

FPSC-COMMISSION CLERK

information for which it is requesting confidential classification is entitled to that classification pursuant to Section 366.093(3)(b) and (e), F.S., as proprietary confidential business information, the disclosure of which would impair the company's ability to contract for the sale of goods and services on favorable terms or cause harm to its ratepayers.

FPL requests confidential classification for the information listed in the following table:

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Document Nos. 07733-02 and 02446-06			
9	1	Col C, 1-51	Internal auditing information
9	2	Col C, 52-99	Internal auditing information
9	3	Col C, 1-5	Internal auditing information
9	4	Col C, 1-23	Internal auditing information
9-1	1-7	All	Internal auditing information
41-1/1-1	1-2, 4-6, 9-10, 12-16	Col A, 1, 28; Col B, 2-10, 12-14, 27-28; Col C, 1, 3-10, 12-13, 28; Col D, 17-18, 20-24, 28; Col E, 17-18, 20-24; Col F, 16-18, 22-25	Customer specific information
41-1/1-2	2-3, 6-10	Cols A-B, 1-3; Cols B-C, E-G, 8-45	Customer specific information
41-1/1-3	2-3, 5-7, 9	Cols A-B, 1-3; Cols B-C, E-G, 8-45	Customer specific information
43-3	1	Cols I-K, 1-44	Customer specific information
43-4/1	1-2	Cols A-B, 1-3; Cols B-C, E-G, 8-43	Customer specific information
43-6	1	Cols I, K, 49-55, 59-62, 64-91	Customer specific information
43-6/10	1	1	Customer specific information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Document Nos. 07733-02 and 02446-06			
43-6/10	2	2, 4, 15, 19-23, 25-30	Customer specific information
43-6/10	3	6, 7, 25	Customer specific information
43-6/10	4	11	Customer specific information
43-6/10	5	1	Customer specific information
43-6/10	7	11-15	Customer specific information
43-6/10	10	Col A, 3, 5, 7	Customer specific information
43-6/11	1	1-4, 6, 11-12	Sensitive competitive business information
43-6/11	2	Col A, 2-33	Sensitive competitive business information
43-6/11	3-5	All	Sensitive competitive business information
43-6/12	1	1-4; Col A, 5-6, 8-38; Col B, 5-6, 13-38; Col C, 5-6, 13-38	Sensitive competitive business information
43-6/12	2	1-19	Sensitive competitive business information
43-6/12	3-4	All	Sensitive competitive business information
43-7	1	Cols J-K, 1	Customer specific information
43-7	2	Col G, 22; Col J, 9; Col N, 18-19	Customer specific information
43-7	3	Cols G, K, N, 23	Customer specific information
43-7	4	Col G, 25-27; Col K, 25-27; Col J, 15-17, 32-36; Col N, 13-15, 23A-25, 27	Customer specific information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Document Nos. 07733-02 and 02446-06			
43-7/3	1	1-2; Col A, 3-11; Cols B-C, 3-4, 10-11; 13-36	Sensitive competitive business information
43-7/3	2	1-7, 15-23	Sensitive competitive business information
43-7/3	3-4	All	Sensitive competitive business information
44-7/1-1/1	1	Cols A-C, J-L, N, 1, 4, 11, 13, 15, 17, 19-20, 23, 25-26, 28-32, 34, 36, 41-44, 49-51, 53, 56-61, 66-67, 69-72	Customer specific information
44-7/1-1/1	2	Cols A-C, J-L, N, 1, 5-6, 9-11, 14, 17, 19-20, 22, 30, 32-33, 35, 41-43, 46, 48-51, 56-59, 61, 63, 65, 68, 70, 72-73	Customer specific information
44-7/1-1/1	3	Cols A-C, J-L, N, 2, 9, 11, 13, 15-16, 18-20, 24, 27, 29, 31, 37-41, 45-46, 48, 50, 52-53, 57, 59, 61-64, 66, 68-70, 72-74	Customer specific information
44-7/1-1/1	4	Cols A-C, J-L, N, 2, 4, 9, 11, 20-22, 24, 26, 28, 30-34, 36, 38, 41-43, 45, 53, 55-56, 59, 63, 65, 68, 71	Customer specific information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Document Nos. 07733-02 and 02446-06			
44-7/1-1/1	5	Cols A-C, J-L, N, 3-4, 8-11, 13, 15, 17-18, 20-22, 26, 30-32, 34-35, 38, 41-43, 49-50, 52, 54, 58, 60-63, 66- 67, 71-72, 74	Customer specific information
44-7/1-1/1	6	Cols A-C, J-L, N, 1-3, 8, 10, 13, 15- 16, 21, 24-25, 28- 29, 31, 36, 39, 41, 44-45, 47, 49-51, 55-57, 61-63, 65- 66, 70-71	Customer specific information
44-7/1-1/1	7	Cols A-C, J-L, N, 2, 4-8, 10, 12-20, 23, 28, 32, 37-40, 45-46, 48-51, 53, 55, 57, 60, 62	Customer specific information
44-9/1-1/1	1	Cols A-C, J-L, N, 1, 5, 9, 11-12, 14, 17-19, 21-24, 27, 29, 37-40, 42-43, 47-51, 54-55, 58- 59, 61-62, 64, 67, 69, 71, 74	Customer specific information
44-9/1-1/1	2	Cols A-C, J-L, N, 6, 10-11, 20, 22, 24-26, 28-29, 33- 34, 39, 42-44, 46, 49-50, 54-55, 59- 60, 65-66, 68, 72	Customer specific information
44-9/1-1/1	3	Cols A-C, J-L, N, 2-4, 14-16, 19-21, 24-27, 33-34, 36- 37, 40-43, 45, 49, 53-54, 57-58, 60, 62-63, 70-72, 74	Customer specific information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Document Nos. 07733-02 and 02446-06			
44-9/1-1/1	4	Cols A-C, J-L, N, 1-2, 4, 6-8, 10, 14, 20, 22, 25, 30-31, 33, 37-38, 41, 45- 47, 52-54, 56, 58, 61-65, 67-69, 74	Customer specific information
44-9/1-1/1	5	Cols A-C, J-L, N, 2-4, 8-9, 13, 17-22, 24, 27-28, 31-32, 34, 36-38, 42-44, 46-47, 49-50, 55- 56, 58-59, 62-64, 67-70, 72-74	Customer specific information
44-9/1-1/1	6	Cols A-C, J-L, N, 4-7, 9-10, 12, 17- 19, 21-23, 25-26, 31, 39, 41, 46, 49- 51, 54-57, 61-65, 70-73	Customer specific information
44-9/1-1/1	7	Cols A-C, J-L, N, 1, 3-4, 6, 10-11, 15- 20, 27, 32-37, 39- 42, 54, 56, 58	Customer specific information

Upon review, it appears that the above-referenced information satisfies the criteria set forth in Section 366.093(3)(b) and (e), F.S.. The information contains internal auditing controls and customer specific information, the disclosure of which would be detrimental to the interests of FPL's customers. The information also contains customer contractual information, the disclosure of which would impair the company's ability to contract for the sale of goods and services on favorable terms and impair the competitive interests of its customers. Therefore, the extension of confidential classification for Document Nos. 07733-02 and 02446-06 is granted.

Pursuant to Section 366.093(4), F.S., the duration of confidential classification or the extension of confidential classification is limited to 18 months, unless there is good cause to extend the protection for a specified longer period. 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 information continues to contain proprietary confidential information.


Based on the foregoing, it is

ORDERED by Commissioner Katrina J. McMurrian as Prehearing Officer, that the information described in the body of this Order and contained in Document Nos. 07733-02 and 02446-06 shall be granted an additional 18 months of confidential classification. It is further

ORDERED that pursuant to Rule 25-22.006, F.A.C., and Section 366.093(3), F.S., confidentiality granted to the documents specified herein shall expire 18 months from the date of the issuance of this Order in the absence of a renewed request for confidentiality. 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 Katrina J. McMurrian, as Prehearing Officer, this 27th day of March, 2009.


KATRINA J. McMURRIAN
Commissioner and Prehearing Officer

(S E A L)

KEF

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.