

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental Cost Recovery Clause.

DOCKET NO. 090007-EI  
ORDER NO. PSC-09-0707-CFO-EI  
ISSUED: October 23, 2009

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S  
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION  
FOR MATERIALS PROVIDED PURSUANT TO AUDIT NO. 07-071-4-1  
(DOCUMENT NOS. 06311-07 AND 06642-07)

This Order addresses the continuation of confidential treatment for certain documents associated with the Environmental Cost Recovery Clause audit for the year ended December 31, 2006 (Audit Control No. 07-071-4-1). By Order No. PSC-07-0770-CFO-EI, issued September 20, 2007, in Docket No. 070007-EI, the Commission granted confidential classification for portions of the documents. On March 20, 2009, Florida Power & Light Company (FPL) filed a First Request for Extension of Confidential Classification of portions of the information covered by Order PSC-07-0770-CFO-EI. The requested portions are identified in Attachment A.

In its First Request for Extension, FPL states that the period of confidential classification granted by Order No. PSC-07-0770-CFO-EI will soon expire, and that certain portions of the information covered by that Order warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093, Florida Statutes (F.S.). FPL further states that some of the information covered by Order No. PSC-07-0770-CFO-EI no longer warrants continued confidential classification. Appendix A lays out the information for which FPL seeks continued confidential classification, by work paper number, page number, and Column/Line.

FPL asserts that the portions of staff's working papers which were the subject of Order No. PSC-07-0770-CFO-EI, and for which continued confidential classification is sought in this Request, contain information pertaining to contractual data, such as pricing and other terms, the disclosure of which would impair FPL's ability to contract for goods or services on favorable terms, as well as impair the competitive business of the provider of the information. FPL asserts that this information is protected by Sections 366.093(3)(d) and (e), F.S. Thus, FPL requests that the portions of the information granted confidential classification in Order No. PSC-07-0770-CFO-EI identified in Attachment A continue to be accorded confidential classification for an additional 18 month period.

Upon review, it appears that the information discussed above continues to be proprietary confidential business information within the meaning of Section 366.093, Florida Statutes. The information has not become stale and is not publicly known. Moreover, none of the documentation discussed herein contains any information regarding the compensation of FPL executives. Therefore, FPL's request for extension of confidential treatment of the redacted portions of Document Nos. 06311-07 and 06642-07 identified in Attachment A is granted as set forth in the body of this Order.

DOCUMENT NUMBER-DATE

10807 OCT 23 8

FPSC-COMMISSION CLERK

Section 366.093(4), F.S., provides that any finding by the Commission that records contain proprietary confidential business information may be effective for an additional period of 18 months with good cause shown. FPL has demonstrated that good cause exists for the Commission to extend the confidential treatment of the identified redacted portions of Document Nos. 06311-07 and 06642-07 as previously granted in Order No. PSC-07-0770-CFO-EI. Accordingly, the information identified in Attachment A, contained within Document Nos. 06311-07 and 06642-07, shall be granted confidential classification for a period of 18 months from the issuance of this Order.

Based on the foregoing, it is

ORDERED by Commissioner Nathan A. Skop, as Prehearing Officer, that the information contained in Document Nos. 06311-07 and 06642-07, identified by Attachment A, shall be granted continued confidential classification for a period of 18 months from the 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 Nathan A. Skop, as Prehearing Officer, this 23rd day of October, 2009.



NATHAN A. SKOP  
Commissioner and Prehearing Officer

( S E A L )

MCB

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.

Attachment A

Staff Work Paper Number	Page(s)	Column(s) Line Numbers(s)
16-1 / 14-3,	2	Col. F entire
41-2 / 3-1	1-3	Col. 1 entire
41-2 / 3-2	1-3	Col. 1entire
43-3	1	Col. C Lines 2-5
43-3	2	Col C Lines 6, 8, 10-12 Cols. C and D Line 7
43-3	3-5	Col. C entire
43-3	6	Col. C Lines 32-34
43-3	7	Col. C entire
43-3	8	Col. C Lines 39-41
43-3	9	Col. C Lines 43, 44, 46, 47
43-3	10	Col. C Lines 49-50
43-3	11-15	Col. C entire
43-3	16	Col. C Lines 73-75
43-3	17	Col. C Lines 76, 77
43-3	18	Col. C Line 81
43-4	14	Col. G Lines 4, 7, 8, 11
43-4	17	Col. G Lines 23, 24, 27, 30
43-4/1	2	Col. C Lines 48, 49
43-4/1	3	Col. C Lines 94, 96, 99, 100, 102, 104, 105
43-4/1	4	Col. C Lines 119, 120, 133-135, 148