

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidential classification of material provided pursuant to Audit No. 01-073-4-1, by Florida Power & Light Company. | DOCKET NO. 011403-EI
ORDER NO. PSC-10-0669-CFO-EI
ISSUED: November 3, 2010

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S FIFTH REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION AND CLOSING DOCKET

On October 29, 2001, 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 formal request for confidential classification of materials obtained during Audit No. 01-073-4-1. By Order No. PSC-01-2339-CFO-EI, issued December 5, 2001, the documents set forth in the company's request were granted confidential classification for a period of 18 months.

On May 30, 2003, FPL filed its First Request for Extension of Confidential Classification Granted by Order No. PSC-01-2339-CFO-EI of Certain Material Obtained Pursuant to Audit Control No. 01-073-4-1. By Order No. PSC-03-0892-CFO-EI, issued August 4, 2003, the extension was granted.

On February 3, 2005, FPL filed its Second Request for Extension of Confidential Classification Granted by Order No. PSC-03-0892-CFO-EI. By Order No. PSC-05-0332-CFO-EI, issued March 23, 2005, the extension was granted. The company was also instructed that if it wished to keep the information confidential after the additional 18 month period granted by the order, it would need to seek another extension of time pursuant to section 366.093, F.S.

On September 28, 2006, FPL filed its Third Request for Extension of Confidential Classification. By Order No. PSC-06-0980-CFO-EI, issued November 28, 2006, the extension was granted. The company was instructed that if it wished to keep the information confidential after the additional 18 month period granted by the order, it would need to seek another extension of time pursuant to section 366.093, F.S.

On July 11, 2008, FPL filed its Amended Fourth Request for Extension of Confidential Classification, by which the company reduced the number of documents for which confidential treatment was sought. By Order No. PSC-08-0776-CFO-EI, issued November 24, 2008, the amended request for extension was granted. The company was again instructed that if it wished to keep the information confidential after the additional 18 month period granted by the order, it would need to seek another extension of time pursuant to section 366.093, F.S.

On May 24, 2010, FPL filed its Fifth Request for Extension of Confidential Classification, seeking continued confidential treatment of certain material provided in connection with Audit Control No. 01-073-4-1. FPL requests that the information set forth in

DOCUMENT NUMBER 2A

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FPSC-COMMISSION CLERK

Attachment A, attached to this Order and incorporated herein by reference, which is contained in Documents Nos. 13412-01 and 13656-01, be granted continued confidential classification.

FPL states that the material at issue contains or constitutes internal auditing controls and reports of internal auditors. FPL states that it treats this material as private. The company further states that no changes have occurred to render the information stale or public, such that continued confidential treatment would not be appropriate. FPL requests an additional 18 months of confidential protection for this information.

Pursuant to section 119.01, F.S., documents submitted to this Commission are public records. The only exceptions to this law are specific statutory exemptions and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision.

Pursuant to section 366.093, F.S., any records received by the Commission which are found to be proprietary confidential business information shall be kept confidential and exempt from the public access requirements of section 119.07(1), F.S. Under section 366.093, F.S., and Rule 25-22.006, F.A.C., the petitioner has the burden of demonstrating that the materials qualify for confidential classification. Rule 25-22.006, F.A.C., requires the petitioner to demonstrate that the information falls into one of the categories set forth in section 366.093, F.S.

Section 366.093(3), F.S., defines “proprietary confidential business information” as

information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person’s or company’s business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public.

Section 366.093(3)(b), F.S., states that proprietary confidential business information includes “[i]nternal auditing controls and reports of internal auditors.”

Upon review, I find that the information set forth above contains the internal auditing controls and reports of the internal auditor. Accordingly, FPL’s request for extension of confidential classification is hereby granted. The material set forth in Attachment A shall continue to have confidential protection for an additional 18 months.

FPL also requests that the material be returned to the company once the information is no longer needed by the Commission. Audit reports and related working papers, however, are retained by the Commission for a period of 25 years. If the company wishes to keep this information confidential after the additional 18 month period granted herein, it will need to seek another extension of time pursuant to section 366.093, F.S.

Based on the foregoing, it is

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that Florida Power & Light Company's Fifth Request for Extension of Confidential Classification is hereby granted. It is further

ORDERED that pursuant to Section 364.183, F.S., and Rule 25-22.006, F.A.C., 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 364.183, F.S. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the expiration of the confidentiality time period. It is further

ORDERED that this docket shall be closed.

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 3rd day of November, 2010.



RONALD A. BRISE
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; 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.

REVISED EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Work Papers
DOCKET: 011403-EI
AUDIT CONTROL NO: 01-073-4-1
REVISED DATE: 05/24/10

Work Paper No.	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
8-1	Committee Notes	7	N			
9A	Summary Int. & External Audit	3	N			
9-1	Internal Audit Notes	9	N			
9-2	Internal Audit Notes	2	N			
9-3	Internal Audit Notes	5	N			
9-4	Internal Audit Notes	3	Y	Pg. 3, ALL	(b)	Antonio Maceo
9-5	Internal Audit Notes	3	N			
9-7	Internal Audit Notes	5	N			
9-8	Internal Audit Notes	2	N			
9-9	Internal Audit Notes	3	N			
9-10	Internal Audit Notes	3	N			
9-11	Internal Audit Notes	1	N			
9-12	Internal Audit Notes	2	N			
9-13	Internal Audit Notes	1	N			
9-14	Internal Audit Notes	1	N			
9-15	Internal Audit Notes	5	N			
9-16	Internal Audit Notes	1	N			
9-17	Internal Audit Notes	2	N			
9-18	Internal Audit Notes	2	N			

9-19	Internal Audit Notes	1	N			
9-20	Internal Audit Notes	5	N			
9-21	Internal Audit Notes	1	N			
9-22	Internal Audit Notes	4	N			
9-23	Internal Audit Notes	1	N			
9-24	Internal Audit Notes	2	N			
9-25	Internal Audit Notes	1	N			
10	Audit Reports	3	N			
59	Reconciliation	3	Y	Pg. 2, All	(b)	Antonio Maceo