

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery
clause.

DOCKET NO. 110002-EG
ORDER NO. PSC-11-0317-CFO-EG
ISSUED: July 28, 2011

ORDER GRANTING CONFIDENTIAL CLASSIFICATION FOR CERTAIN MATERIALS
OBTAINED DURING THE CONSERVATION COST RECOVERY AUDIT (AUDIT NO. 09-
028-4-1 OF FLORIDA POWER & LIGHT (DOCUMENT NOS. 08665-09, 07900-09 AND
01281-10)

On August 19, 2009, 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) filed a request for confidential classification of staff's Audit Work Papers, associated with Audit Control No. 09-028-4-1. On February 4, 2010, staff sent a letter regarding the August 19, 2009 filing. In response, FPL filed a letter on February 25, 2010, addressing staff's concerns and providing a modified filing as Document No. 01280-10. Document Nos. 08665-09, 07900-09 and 01281-10 are currently held by the Commission's Office of Commission Clerk as confidential pending resolution of FPL's request for confidential classification. FPL asserts that the confidential information in the documents is intended to be proprietary, is treated as proprietary, and has not been publicly disclosed. FPL requests that the Commission grant confidential classification for the documents for a period of 18 months from the date of the issuance of this Order, pursuant to Section 366.093(4), F.S.

Section 366.093(1), F.S., provides that records 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 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 reports of internal auditors.
- (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract goods or services on favorable terms.
- (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 contains internal auditing information and sensitive competitive business information: information concerning its contracts and contracting processes, and detailed financial information about its employees and

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their salaries. Section 366.093(3)(b), F.S. provides the Commission may grant a confidential status to internal auditing information. Section 366.093(3)(d), F.S. provides the Commission may grant a confidential classification to contract and bid information if its release will impair the ability of the public utility or its affiliates to purchase goods or services in the future. Lastly, Section 366.093(e), F.S. provides that the Commission may grant a confidential classification to sensitive competitive business information if release of that information will harm the competitive business of the provider of that information.

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

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Document Nos. 08665-09, 07900-09, and 01281-10			
8-1	1-2	All	Sensitive competitive business information
9	4	Col. A	Internal audit information
9-1	1-3	All	Internal audit information
41-3	1-11	Cols. A-C, J-N	Sensitive competitive business information
41-3/1	1	Lines 2-4	Sensitive competitive business information
41-3/2	1	Lines 2-4	Sensitive competitive business information
41-3/3	1	Lines 2-4	Sensitive competitive business information
41-3/4	1	Lines 2-4	Sensitive competitive business information
41-3/5	1	Lines 2-4	Sensitive competitive business information
41-3/6	1	Lines 2-4	Sensitive competitive business information
41-3/7	1-2	All	Sensitive competitive business information
41-3/8	1	Lines 2-4	Sensitive competitive business information
41-4/1	1-2	Lines 2-5	Sensitive competitive business information
41-4/2	1-2	Lines 2-5	Sensitive competitive business information
41-4/2	1-2	Lines 2-5	Sensitive competitive business information
41-4/3	1-2	Lines 1-4	Sensitive competitive business information
41-4/4	1-2	Lines 1-5	Sensitive competitive business information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Document Nos. 08665-09, 07900-09, and 01281-10			
41-4/5	1-2	Lines 1-4	Sensitive competitive business information
41-4/6	1	Lines 1-4	Sensitive competitive business information
41-4/6	2	Lines 2-5	Sensitive competitive business information
41-5/1	1	Lines 2-4	Sensitive competitive business information
41-5/3	1	Lines 2-4	Sensitive competitive business information
41-5/4	1	Lines 2-4	Sensitive competitive business information
43-1/1-1	1	Lines 2-3, 9, 19 & 37	Sensitive competitive business information
43-1/1-2	1	Lines 2-3, 9, 22 & 29	Sensitive competitive business information
43-1/1-3	1	Lines 2-3, 17, 22	Sensitive competitive business information
43-1/1-4	1	Lines 2-3, 12-13, 15, 18 & 21	Sensitive competitive business information
43-1/1-5	1	Lines 2-3, 12-13, 15, 18 & 20	Sensitive competitive business information
43-1/1-6	1	Lines 2-3, 12-13, 15 & 17	Sensitive competitive business information
43-1/1-7	1	Lines 2-3, 12-13, 18 & 20	Sensitive competitive business information
43-1/1-8	1	Lines 2-3, 12, 18 & 20	Sensitive competitive business information
43-1/1-9	1	Lines 2-3, 12, 18 & 20	Sensitive competitive business information
43-1/2-3	1	Line 4	Sensitive competitive business information
43-1/2-3/1	1	Lines 1, 4-6	Sensitive competitive business information
43-1/2-3/1	2	Lines 2-3, 8, 10, 18-24 & 32	Sensitive competitive business information
43-1/2-3/1	3	Lines 1-6	Sensitive competitive business information
43-1/2-5	1	Line 4	Sensitive competitive business information
43-1/2-5	2	Lines 1-2, 5-9, 18-21 & 32	Sensitive competitive business information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Document Nos. 08665-09, 07900-09, and 01281-10			
43-1/2-6	1	Cols. A-B, Lines 1-4	Sensitive competitive business information
43-1/2-6	2-3	Line 1	Sensitive competitive business information
43-1/2-7	1	Cols. A-B, Lines 1-4	Sensitive competitive business information
43-1/2-8	1	Cols. A-B, Lines 1-4	Sensitive competitive business information
43-1/2-9	1	Cols. A-B, Lines 1-4	Sensitive competitive business information
43-1/2-10	1	Col. A, Lines 1-4	Sensitive competitive business information
43-1/2-10	2-3	Line 1	Sensitive competitive business information
43-1/2-11	1	Col. A, Lines 1-4	Sensitive competitive business information
43-1/2-12	1	Cols. A-B, Lines 1-4	Sensitive competitive business information
43-1/2-13	1	Cols. A-B, Lines 1-4	Sensitive competitive business information
43-1/2-14	1	Col. A	Sensitive competitive business information
43-1/2-14	2	Lines 5, 20 & 25-26	Sensitive competitive business information
43-1/2-14/1	2-18	All	Sensitive competitive business information
43-1/2-14/1	19	Lines 3-11	Sensitive competitive business information
43-1/2-16/1	1	Cols. A-F	Sensitive competitive business information
43-1/3-1	1	Lines 5, 20 & 25-26	Sensitive competitive business information

Upon review, it appears that the requested information satisfies the criteria set forth in Section 366.093(3)(b), (d), and (e), F.S. The information contains internal auditing controls, competitive business and contractual information, the disclosure of which would impair the company's ability to compete for services and impair the competitive interests of its customers. In addition, the information contains customer specific information, the disclosure of which would be detrimental to the interests of FPL's customers. Therefore, confidential classification for Documents Nos. 08665-09, 07900-09 and 01281-10 is granted.

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 information continues to contain proprietary confidential business information.

Based on the foregoing, it is

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that Florida Power & Light Company's request for confidential classification of Document Nos. 08665-09, 07900-09 and 01281-10 is hereby granted as set forth herein. It is further

ORDERED that the information for which confidential classification has been requested will be granted confidential classification for a period of 18 months from the date of the issuance of this Order. It is further

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

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 28th day of July, 2011.



RONALD A. BRISÉ
Commissioner and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

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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.