

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery clause. | DOCKET NO. 110002-EG
ORDER NO. PSC-11-0320-CFO-EG
ISSUED: July 28, 2011

ORDER GRANTING REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF DOCUMENT NOS. 06604-05 AND 06625-05

On April 8, 2011, 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 extension of confidential classification of materials provided pursuant to Audit No. 05-042-4-1 (Document Nos. 06604-05 and 06625-05), with attached affidavit of Anita Sharma, third revised Exh. D. Order No. PSC-06-0189-CFO-EG, issued on March 9, 2006, granted confidential classification for the documents. Order No. PSC-07-0828-CFO-EG, issued on October 15, 2007, granted an extension for confidential classification for a period of 18 months. 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), Florida Statutes (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. 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 in pertinent part that proprietary confidential business information includes:

- (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 continued confidential status consists of 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. Moreover, none of the documentation discussed herein contains any information regarding the compensation of FPL executives. FPL contends that the information for which it is requesting renewal of confidential classification is entitled to that classification pursuant to Section 366.093(3)(e), F.S., as proprietary confidential business information, the disclosure of which would impair the company's competitive interests or cause harm to its ratepayers. FPL claims that nothing has

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changed since the Commission issued its prior confidentiality order. The information is still of current value, and it has not been made public.

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

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Documents 06604-05 and 06625-05			
41-1/1-1	1	1	Customer specific information
43-5/1	1	17	Sensitive competitive business information
43-5/1	2	9	Sensitive competitive business information
43-5/2	5	1, 12, 31	Customer specific information
43-5/2	7	3, 6, 34, 36, 42	Customer specific information
43-5/2	8	2, 5	Customer specific information
43-5/2	9	Cols A-B, 2, 5	Customer specific information
43-5/2	10	Col A, 2, 5; Col B, 3, 5	Customer specific information
43-5/2	11-23	Cols A-B, 2, 5	Customer specific information
43-5/2	24	2-5	Customer specific information
43-5/3	2	8, 14, 18, 20, 22, 28-31	Sensitive competitive business information
43-5/3	3	1-5, 9-10, 12-15	Sensitive competitive business information
43-5/3	4	1-2, 6, 13-14, 21-22, 28-29	Sensitive competitive business information
43-5/3	5	1, 9-11	Sensitive competitive business information
44-1/1	1	Cols A-C, J-N, 4, 6-10, 12-13, 16-19, 24-27, 29, 32, 35, 37-38, 44, 48-52, 57, 61, 63	Customer specific information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Documents 06604-05 and 06625-05			
44-1/1	2	Cols A-C, J-N, 64-69, 73-78, 80-81, 83-86, 88, 90-91, 93-94, 98-100, 103-104, 106-108, 114-115, 118, 121, 123, 127-128, 130-131	Customer specific information
44-1/1	3	Cols A-C, J-N, 132-133, 136-138, 140, 142, 145, 147, 150, 153-154, 157, 161-162, 164-165, 167-168, 171, 173, 175, 177, 179-181, 188, 190-191, 194, 196	Customer specific information
44-1/1	4	Cols A-C, J-N, 198-200, 203-205, 207, 209, 211-214, 217-218, 220-221, 225, 228, 232-234, 240-245, 253-254, 257	Customer specific information
44-1/1	5	Cols A-C, J-N, 259, 261-265, 269, 278, 282, 285-287, 289, 291-292, 296, 298, 300, 302, 305-307, 310-312, 314-317, 319-322, 324	Customer specific information
44-1/1	6	Cols A-C, J-N, 325, 329-332, 334, 338-339, 341, 343, 346, 349-350, 352, 362, 369, 372, 374-375, 378, 381-382, 385, 389, 391	Customer specific information
44-1/1	7	Cols A-C, J-N, 395-404, 408-409, 412, 414, 416, 423, 426, 429-430, 435, 438, 440, 442-443, 445, 449-451	Customer specific information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Documents 06604-05 and 06625-05			
44-1/1	8	Cols A-C, J-N, 452, 454, 461, 465-466, 470, 472, 475, 477-478, 481-483, 491	Customer specific information
44-1/1-1	1	Col A, 1-2; Col B, 1-2, 2a, 10-12, 14-15; Col C, 7-8, 10-12, 14-15, 21-28, 32-44; Col E, 10-12, 14-18, 30-31; Col F, 7-8, 10-12, 12a, 14-29, 32-44	Customer specific information
44-1/2	1	Cols A-C, J-M, 1-3, 6-8, 10, 14-16, 18, 20	Customer specific information

Upon review, it appears that the above-referenced information satisfies the criteria set forth in Section 366.093(3)(e), F.S. The information contains customer specific information, the disclosure of which would be detrimental to the interests of FPL's customers. Therefore, confidential classification for Document Nos. 06604-05 and 06625-05 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. 06604-05 and 06625-05 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. BRISE
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.