

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery
clause.

DOCKET NO. 110002-EG
ORDER NO. PSC-11-0323-CFO-EG
ISSUED: July 28, 2011

ORDER GRANTING THIRD REQUEST FOR EXTENSION OF CONFIDENTIAL
CLASSIFICATION OF DOCUMENT NOS. 08718-00 AND 09551-00

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 the energy conservation cost recovery audit of Florida Power & Light Company (FPL) for the year ended December 31, 1999. Order PSC-00-1569-CFO-EI initially granted confidential classification for the documents on August 31, 2000, and Order PSC-02-0605-CFO-EI, issued May 2, 2002, extended confidential classification for an additional 18 months. Order No. PSC-04-0794-CFO-EG, issued August 13, 2004, granted an extension for confidential classification for an additional 5 years. FPL has now requested that confidential treatment be extended again for the information contained in Document Nos. 08718-00 and 09551-00, or that the documents be returned to FPL. 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.

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:

- (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 for non-governmental customers. That 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 further asserts that this information is entitled to confidential treatment pursuant to Section 366.093 (3)(e), Florida Statutes, as proprietary confidential business information owned or controlled by the company, the disclosure of which would impair the company's business operation or cause harm to its ratepayers. FPL claims that nothing has changed since the

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Commission issued its prior confidentiality orders. The information is still of current value, and it has not been made public. The information is thus still entitled to confidential treatment.

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

Document Nos. 08718-00 and 09551-00

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
41-1/1-1	1-2	Lines 1-4	Customer-Specific Information
41-1/1-1	3	Col A, Lines 1-4; Col B, Line 2	Customer-Specific Information
41-1/1-1	4-7	Lines 1-4	Customer-Specific Information
41-1/1-1	8-9	Col A, Lines 1-4; Col B, Line 2	Customer-Specific Information
41-1/1-1	10	Lines 1-4	Customer-Specific Information
41-1/1-1	11	Col A, Lines 1-4; Col B, Line 2	Customer-Specific Information
41-1/1-1	12	Col A, Lines 1-4; Col B, Lines 2-3	Customer-Specific Information
41-1/1-1	13-15	Lines 1-4	Customer-Specific Information
41-1/1-1	16	Col A, Lines 1-4; Col B, Lines 2-3	Customer-Specific Information
41-1/1-1	17	Col A, Lines 1-4; Col B, Lines 2	Customer-Specific Information
41-1/1-1	18-20	Col A, Lines 1-4; Col B, Lines 2-3	Customer-Specific Information
41-1/1-2	1	Col A, Lines 1-4; Col B, Line 2	Customer-Specific Information
41-1/1-3	1	Line 1-8, Col A	Customer-Specific Information
41-1/1-3/1	1-8	Col A, Lines 1-2 Col B, Lines 1-3	Customer-Specific Information
41-1/1-4	1	Lines 1-9	Customer-Specific Information
41-1/1-4	2,3	Line 1, Col A-B	Customer-Specific Information
41-1/1-4	5,6	Line 1, Col A-B	Customer-Specific Information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
41-1/1-4	8,9	Line 1, Col A-B	Customer-Specific Information
41-1/1-4	10,11	Col A, Lines 1-2 Col B, Lines 1-3	Customer-Specific Information
41-1/2-1	1	Col A, Lines 1-4 Col B, Line 2	Customer-Specific Information
41-1/2-1	2	Lines 1-4, Col A	Customer-Specific Information
41-1/2-1	3	Col A, Lines 1-4 Col B, Lines 2-3	Customer-Specific Information
41-1/2-1	4	Lines 1-4, Col A	Customer-Specific Information
41-1/2-1	5	Col A, Lines 1-4 Col B, Line 2	Customer-Specific Information
41-1/2-1	6	Col A, Lines 1-4 Col B, Lines 2-3	Customer-Specific Information
41-1/2-1	7-8	Lines 1-4, Col A	Customer-Specific Information
41-1/2-1	9-10	Col A, Lines 1-4 Col B, Line 2	Customer-Specific Information
41-1/2-1	11	Lines 1-4, Col A	Customer-Specific Information
41-1/2-1	12	Col A, Lines 1-4 Col B, Line 2	Customer-Specific Information
41-1/2-1	13	Col A, Lines 1-4 Col B, Lines 2-3	Customer-Specific Information
41-1/2-1	14-15	Lines 1-4, Col A	Customer-Specific Information
41-1/2-1	16	Col A, Lines 1-4 Col B, Line 2	Customer-Specific Information
41-1/2-1	17	Col A, Lines 1-4 Col B, Lines 2-3	Customer-Specific Information
41-1/2-1	18	Lines 1-4, Col A	Customer-Specific Information
41-1/2-1	19	Col A, Lines 1-4 Col B, Line 2	Customer-Specific Information
41-1/2-1	20	Col A, Lines 1-4 Col B, Lines 2-3	Customer-Specific Information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
41-1/2-2	1	Col A, Lines 1-4 Col B, Line 2	Customer-Specific Information
41-1/2-3	1	Lines 1-22, Col A	Customer-Specific Information
41-1/2-3/1	1-7	Col A, Lines 1-2 Col B, Lines 1-3	Customer-Specific Information
41-1/2-3/2	1-7	Col A, Lines 1-2 Col B, Lines 1-3	Customer-Specific Information
41-1/2-3/4	3	Col A, Lines 1-2 Col B, Lines 1-3	Customer-Specific Information
41-1/2-3/5	1-7	Col A, Lines 1-2 Col B, Lines 1-3	Customer-Specific Information
41-1/2-4	1	Lines 1-3, Col A	Customer-Specific Information
41-1/2-4	2-4	Line 1, Col A-B	Customer-Specific Information
43-3	1	Col A, Lines 1-3	Customer-Specific Information
43-3	2	Col A-C, Lines 1-13	Customer-Specific Information
43-3	3	Cols A-C, Lines 1-30	Customer-Specific Information
43-3	4	Col A, Line 1	Customer-Specific Information
43-4	3	Col A, Line 1	Customer-Specific Information
43-13/1	2	Col B, Lines 1,3-7, 10-11,12,15-18,21, 24-32,40-41	Customer-Specific Information
43-13/1	3	Col B, Lines 2,5-9, 11,14-17,20-22, 24-27,29,31,33-34, 36,39,41-44	Customer-Specific Information
43-13/1	4	Col B, Lines 1-7, 9-13,14,16-25, 27-29,31-32,34, 36-40,41-43,44-45	Customer-Specific Information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
43-13/1	5	Col B, Lines 3,5, 8-11,13-16,18,20-23, 26,29-30,33,35-36, 39-41,43,45	Customer-Specific Information
43-13/1	6	Col B, Lines 3-4,6, 8,9-10,13-15,17, 19-20,23-26,28,32, 34,38-41	Customer-Specific Information
43-13/1	7	Col B, Lines 1-2,4-7, 8-11,13-14,17-18, 20-22,26-27,29-31, 33-34,36-38	Customer-Specific Information
43-13/1	8	Col B, Lines 1-4, 13-14,16-17,20, 22-23,25-30,33,35	Customer-Specific Information
43-13/1	9	Col B, Lines 2-5,7-8, 14-16,18,20,24-27, 29,31,33-36,39,41	Customer-Specific Information
43-13/1	10	Col B, Lines 1,3,4-7, 11,13-16,19,22, 25-27,29-30,38-39	Customer-Specific Information
43-13/1	11	Col B, Lines 5,7-8, 10-15,19-21,23-24, 26,30,35	Customer-Specific Information
43-13/1	12	Col B, Lines 1-5, 9-10,12,17,21-29, 31-36,39	Customer-Specific Information
43-13/1	13	Col B, Lines 3-5	Customer-Specific Information
44-13/1-1	1	Col A, Lines 1-2 Col B, Lines 1-3	Customer-Specific Information
44-13/1-1/1	1	Col A, Lines 1-2 Col B, Line 1	Customer-Specific Information
44-13/1-1/1	2	Col A, Line 1 Col B, Lines 1-4	Customer-Specific Information
44-13/1-2	1	Col A, Lines 1-2 Col B, Lines 1-3	Customer-Specific Information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
44-13/1-2/1	1	Col A, Lines 1-3 Col B, Line 2	Customer-Specific Information
44-13/2	2	Lines 1-10	Customer-Specific Information
44-13/2	3-4	Lines 1-12	Customer-Specific Information
44-13/2	5	Lines 1-18	Customer-Specific Information
44-13/2	6	Lines 1-6	Customer-Specific Information
44-13/2	7	Lines 1-16	Customer-Specific Information
44-13/2	8	Lines 1-16	Customer-Specific Information
44-13/2	9	Lines 1-20	Customer-Specific Information
44-13/2	10	Lines 1-12	Customer-Specific Information
44-13/2	11	Lines 1-10	Customer-Specific Information
44-13/2	12	Lines 1-12	Customer-Specific Information
44-13/2	13	Lines 1-18	Customer-Specific Information
44-13/2	14	Lines 1-6	Customer-Specific Information
44-13/2	15	Lines 1-10	Customer-Specific Information
44-13/2	16	Lines 1-6	Customer-Specific Information
44-13/2	17	Lines 1-16	Customer-Specific Information
44-13/2	18,19	Lines 1-18	Customer-Specific Information
44-13/2	20	Lines 1-16	Customer-Specific Information
44-13/2	21	Lines 1-12	Customer-Specific Information
44-13/2	22	Lines 1-20	Customer-Specific Information
44-13/2	23	Lines 1-30	Customer-Specific Information
44-13/2	24	Lines 1-24	Customer-Specific Information
44-13/2	25	Lines 1-28	Customer-Specific Information
44-13/2	26	Lines 1-16	Customer-Specific Information
44-13/2	27	Lines 1-20	Customer-Specific Information
44-13/2	28	Lines 1-14	Customer-Specific Information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
44-13/2-1	1	Col A, Lines 1-6	Customer-Specific Information
44-13/2-1	2	Col A-B, Line 1	Customer-Specific Information
44-13/2-1/1	1	Col A, Lines 1-2 Col B, Line 2	Customer-Specific Information
44-13/2-1/1	2	Col A, Lines 1-2 Col B, Lines 1-4	Customer-Specific Information
44-13/2-2	1	Col A, Lines 1-12	Customer-Specific Information
44-13/2-2	2	Col A-B, Line 1	Customer-Specific Information
44-13/3	2	Col B, Lines 2,4,7,9,11-12,16-17,19-21,23-24,26,28-36,38	Customer-Specific Information
44-13/3	3	Lines 1-4,6,10,13-14,16-27,34,36,38,40	Customer-Specific Information
44-13/3	4	Lines 1-2,6-8,10-11,16-18,21,23-25,27-30,33,36-38,40	Customer-Specific Information
44-13/3	5	Lines 2-3,5-8,10-11,14-16,22-23,27-30,36-37,39-40	Customer-Specific Information
44-13/3	6	Lines 1-4,7,9,15-18,21,23,25-27,31-35,37,39-40	Customer-Specific Information
44-13/3	7	Lines 3,5,6-12,15,17-18,21-23,25-29,31-39	Customer-Specific Information
44-13/3	8	Lines 2,5-7,9,13,15-17,20,23-24,26-39,41-43,45	Customer-Specific Information
44-13/3	9	Lines 2,4-9,12-14,18,21-22,24,26-30,32-33,35,37-39,41-45	Customer-Specific Information
44-13/3	10	Lines 3-4,6,12-15,17,19,21,23,32-33,35-36,39	Customer-Specific Information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
44-13/3	11	Lines 1,3,5,7,8-11, 12,14,18,22,24-25, 27,29,31,34,36,38	Customer-Specific Information
44-13/3	12	Lines 2-4,7-8,14,16, 18-20,22,24-32, 34-36,39,41-45	Customer-Specific Information
44-13/3	13	Lines 2,4,8-9,12, 14,16-17,19-20, 22-23,27,29,31,34, 36	Customer-Specific Information
44-13/3	14	Lines 1,4,9,12-15, 18,20,22,23,26-27, 33,36-37,39	Customer-Specific Information
44-13/3	15	Lines 1-3,6-7,9-12, 14-27,32-38,40	Customer-Specific Information
44-13/3	16	Lines 1-3,5-7,9-11	Customer-Specific Information
44-13/3-1	1	Col A, Lines 1-2 Col B, Lines 1-3	Customer-Specific Information
44-13/3-1/1	1	Line 1-3, Col A Line 2, Col B	Customer-Specific Information
44-13/3-1/1	3	Col A, Lines 1-4	Customer-Specific Information
44-13/3-2	1	Col A, Lines 1-2 Col B, Lines 1-3	Customer-Specific Information
44-13/3-3	1	Col A, Lines 1-2 Col B, Lines 1-3	Customer-Specific Information
45	1	Col A, Line 1 Col B, Lines 1-3	Customer-Specific Information
45	2	Col A, Lines 2-8	Customer-Specific Information
45	3	Col A, Lines 1-6	Customer-Specific Information
45	4-5	Col A, Line 1	Customer-Specific Information
45-1/7-1	1	Col A, Lines 2-3 Col B, Lines 1-2	Customer-Specific Information
45-1/7-1	2	Col B, Lines 1-4	Customer-Specific Information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
48	1	Col. A-C, Lines 1-42	Customer-Specific Information
48-1	1	Col A, Lines 1,4, 6,8,10,12,14,16,18, 24 Col B, Lines 1,4, 6,8,10,12,14,16,18 Col C, Lines 1,8-12, 14,16,18 Col D, Lines 1-3,5, 7-13,15,17-26	Customer-Specific Information
48-1	2	Col A, Lines 1,3, 5,7,10,13,16,19,23 Col B, Line 1,3,5,7, 10,13,16,19,23, 24 Col C, Lines 1,3, 5,7,10,13,16,19,23 Col D, Lines 1-25	Customer-Specific Information
48-1	3	Col A-B, Lines 1,5, 7-8,12,15,18,22, 25 Col C, Lines 1,5, 7-8,12,15,18-19,22, 25 Col D, Lines 1-28	Customer-Specific Information
48-1	4	Col A-B, Lines 1,3,6, 7,9,11,17,22 Col C, Lines 1,3-4, 6-9,11,17,22 Col D, Lines 1-26	Customer-Specific Information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
48-1	5	Cols A-C, Lines 1,6, 10,14,20,23 Col D, Lines 1-26	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, the 5 year extension of confidential classification for Document Nos. 08718-00 and 09551-00 is granted.

Pursuant to Section 366.093(4), Florida Statutes, the duration of confidential classification or the extension of confidential classification is limited to 18 months, unless the Commission finds, for good cause, that the protection should be for a specified longer period, as the Commission has done in Order No. PSC-04-0794-CFO-EG. The facts here show good cause to extend confidentiality for a longer period. In Order No. PSC-03-1437-CFO-EG, issued December 19, 2003, in Docket No. 030002-EG, the Commission granted a 5 year extension for similar material contained in staff working papers for the FPL energy conservation cost recovery audit for 1998. The Commission said:

FPL has shown the need for a longer period of confidential classification for the 1998 information concerning customer specific information associated with electric usage. FPL has demonstrated its intent to protect this information by repeatedly filing for an extension of this material, and has also provided a reasonable explanation as to why this information has remained sensitive for five years, and why it will remain so for a reasonable time in the future.

Order No. PSC-03-1437-CFO-EG, p. 3.

At the conclusion of the 5 year 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.

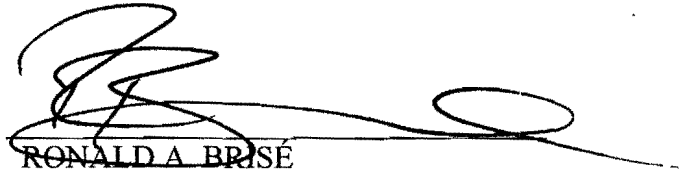
Based on the foregoing, it is

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that the information described in the body of this Order and contained in Document Nos. 08718-00 and 09551-00 shall be granted an additional five years of confidential classification. It is further

ORDERED that pursuant to Rule 25-22.066, Florida Administrative Code, and Section 366.093(3), Florida Statutes, confidentiality granted to the documents specified herein shall expire five years 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 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.