

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's  
request for confidential classification of  
document request responses and portions of  
audit staff's draft report entitled Coal  
Combustion Residual Storage and Disposal  
Processes of the Florida Electric Industry.

DOCKET NO. 110322-EI  
ORDER NO. PSC-12-0037-CFO-EI  
ISSUED: January 24, 2012

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF  
DOCUMENT NO. 08740-11 (CROSS REF. 00055-12)

On December 2, 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 or company) filed a request for confidential classification of certain information included in the "Review of Coal Combustion Residual Storage and Disposal Processes of the Florida Electric Industry" (Report) prepared by the Commission's Office of Auditing and Performance Analysis, and for information included in FPL's data responses that the Commission staff reviewed in preparing the Report (Data Responses). The materials that are subject to the request are contained in Document No. 08740-11 (cross ref. 00055-12).

In support of its request, FPL states that in the Report and in its Data Responses, there is sensitive company information that is "proprietary business information" under Section 366.093(3), F.S. Along with its request, FPL separately submitted a sealed Exhibit A, containing an unredacted copy of all the pages of the Report and of the Data Responses for which the company seeks confidential treatment. In Exhibit A, the information asserted to be confidential is highlighted. FPL also submitted an Exhibit B, containing a redacted version of the documents for which the company requests confidential classification. In Exhibit B, the specific information for which FPL requests confidential treatment has been blocked out by opaque marker or other means.

FPL's justifications for the confidential treatment of the above-described requested information is contained on Attachment A to this Order, which is incorporated herein by reference. FPL requests that these materials be treated as confidential for a period of at least 18 months as provided in section 366.093(4), F.S., and that the information be returned as soon as it is no longer necessary for the Commission to conduct its business.

Section 366.093(1), F.S., provides that "any records received by the commission which are shown and found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from [the 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

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public. Section 366.093(3)(c), (d), and (e), F.S., provides that proprietary confidential business information includes, but is not limited to “[s]ecurity measures, systems, or procedures,” “[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliate to contract for goods or services on favorable terms,” and “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.”

FPL contends that the information falls within these categories and thus constitutes proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. FPL states that this information is intended to be and is treated by FPL as private and has not been publicly disclosed.

Upon review, it appears that the above-referenced information satisfies the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information and shall be treated as confidential. The information constitutes “[s]ecurity measures, systems, or procedures,” “[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliate to contract for goods or services on favorable terms,” and “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Thus, this information is granted confidential classification.

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 records continue to contain proprietary confidential business information.

Based on the foregoing, it is

ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that Florida Power & Light Company’s Request for Confidential Classification of Document No. 08740-11 (cross ref. 00055-12) is granted. It is further

ORDERED that Attachment A to this Order is incorporated herein by reference. It is further

ORDERED that the information in Document No. 08740-11 (cross ref. 00055-12) for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of 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. It is further

ORDERED that this docket shall be closed.

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By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 24th day of  
January, 2012.



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Commissioner and Prehearing Officer  
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, 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 and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

**Exhibit C**  
**Florida Power and Light Company**  
**Review of Coal Combustion Residual Storage and Disposal Process**  
**Of the Florida Electric Industry**

| <b>Document</b>                             | <b>No. of Pages</b> | <b>Conf. Y/N</b> | <b>Line No./Col. No.</b>             | <b>Florida Statute 366.093 (3) Subsection</b> | <b>Affiant</b> |
|---|---------------------|------------------|--------------------------------------|---|----------------|
| Document Request No. 1                      | 2                   | Y                | Page 1 lines 1-26; Page 2 lines 1-34 | (c), (d), (e)                                 | Scott E. Brown |
| Document Request No. 2                      | 1                   | Y                | Page 1 lines 1-12                    | (c), (d), (e)                                 | Scott E. Brown |
| Attachment A                                | 11                  | N                | Pages 1-2                            | (c), (d), (e)                                 | Scott E. Brown |
|   |                     | Y                | Pages 3-11                           |   |                |
| Attachment B Part 1 of 6                    | 10                  | Y                | ALL                                  | (e)   | Scott E. Brown |
| Attachment B Part 2 of 6                    | 26                  | N                | Pages 1-2                            | (c), (d), (e)                                 | Scott E. Brown |
|   |                     | Y                | Pages 3-26                           |   |                |
| Attachment B Part 3 of 6                    | 25                  | N                | Pages 1-2                            | (c), (d), (e)                                 | Scott E. Brown |
|   |                     | Y                | Pages 3-25                           |   |                |
| Attachment B Part 4 of 6                    | 27                  | N                | Pages 1-2                            | (c), (d), (e)                                 | Scott E. Brown |
|   |                     | Y                | Pages 3-27                           |   |                |
| Attachment B Part 5 of 6                    | 26                  | N                | Pages 1-2                            | (c), (d), (e)                                 | Scott E. Brown |
|   |                     | Y                | Pages 3-26                           |   |                |
| Attachment B Part 6 of 6                    | 27                  | N                | Pages 1-2                            | (c), (d), (e)                                 | Scott E. Brown |
|   |                     | Y                | Pages 3-27                           |   |                |
| 1 <sup>st</sup> Quarter Surveillance Report | 25                  | N                | Pages 1-3                            | (c), (d), (e)                                 | Scott E. Brown |
|   |                     | Y                | Pages 4-25                           |   |                |
| 4 <sup>th</sup> Quarter Surveillance Report | 24                  | N                | Pages 1-2                            | (c), (d), (e)                                 | Scott E. Brown |
|   |                     | Y                | Pages 3-24                           |   |                |
| CCR Report                                  | 16                  | Y                | Page 10 lines 1-4                    | (d), (e)                                      | Scott E. Brown |
| Chapter 6 of CCR Report                     | 7                   | N                | Page 1                               | (d), (e)                                      | Scott E. Brown |
|   |                     | Y                | Page 2 lines 1-10; columns A-G       |   |                |
|   |                     | N                | Pages 3-5                            |   |                |
|   |                     | Y                | Page 6 lines 1-16                    |   |                |
|   |                     | Y                | Page 7 lines 1-6                     | (d),(e)                                       |                |

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