

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear cost recovery clause.

DOCKET NO. 140009-EI
ORDER NO. PSC-14-0647-CFO-EI
ISSUED: November 4, 2014

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
(DOCUMENT NOS. 07486-10, 07507-10, and 07525-10)

On November 19, 2013, 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 (Request) of certain testimony provided in the 2010 Nuclear Cost Recovery Clause hearing (Document Nos. 07486-10, 07507-10, and 07525-10). This Request was filed in Docket No. 130009-EI.

Request for Confidential Classification

On August 26, 2010, August 27, 2010, and September 7, 2010, during FPL's Nuclear Cost Recovery Clause hearing in Docket 100009-EI, the Florida Public Service Commission (Commission) orally ruled that certain testimony was confidential. Accordingly, the Commission ordered from the bench that the confidential portions of the testimony be stricken from the public version of the transcripts. FPL asserts that some of that information warrants continued treatment as proprietary and confidential business information. FPL has submitted its Request and included Exhibits B, C, and D for which confidential treatment is sought. Exhibit B consists of a copy of the public version of the transcripts in which all the information that FPL contends is entitled to confidential treatment has been stricken. FPL's First Revised Exhibit C is a table that identifies the specific pages, lines, or columns that remain confidential along with the statutory basis for confidentiality and supporting affidants. First Revised Exhibit D contains the affidavit of Michael Bryce in support of its request. FPL is not in possession of the confidential version of the transcripts from the record at the 2010 Nuclear Cost Recovery Clause hearing; therefore, Exhibit A is not attached to this filing.

FPL submits that the testimony that was stricken from the public record during the 2010 Nuclear Cost Recovery Clause hearing continues to be proprietary confidential business information within the meaning of Section 366.093(3). This information is intended to be and is treated by FPL as private, and its confidentiality has been maintained. FPL contends that the information contains confidential employee personnel information unrelated to compensation, duties, qualifications and responsibilities that is competitively sensitive to FPL. FPL argues that this information is protected by Section 366.093(3)(e) and (f).

FPL's Request for Extension incorporates by reference and adopts the arguments propounded in its original request. FPL asserts that the period of confidential treatment of the above-referenced information is due to expire soon. FPL also asserts that the disclosure of the

information would cause harm to FPL and its customers. Finally, FPL contends that nothing has changed since the filing of the original requests to render the information stale or public, such that continued confidential treatment would not be appropriate.

Ruling

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. 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, but is not limited to:

- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

Upon review, it appears the above-referenced information satisfies the criteria set forth in Section 366.093(3), F.S., for continued classification as proprietary confidential business information. The information described above appears to be information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information and employee personnel information unrelated to compensation, duties, qualifications, or responsibilities. Thus, the information identified in Document Nos. 07486-10, 07507-10, and 07525-10 shall be granted a continuation of 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 up to 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 hereby

ORDERED by Commissioner Julie I. Brown, as Prehearing Officer, that Florida Power & Light Company's Request for Extension of Confidential Classification is granted. It is further

ORDERED that the information described in Document Nos. 07486-10, 07507-10, and 07525-10, for which confidential classification has been granted, shall remain protected from disclosure for a period of up to 18 months from the date of issuance of this Order. It is further

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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 Julie I. Brown, as Prehearing Officer, this 4th day of November, 2014.



JULIE I. BROWN

Commissioner and Prehearing Officer

Florida Public Service Commission

2540 Shumard Oak Boulevard

Tallahassee, Florida 32399

(850) 413-6770

www.floridapsc.com

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

MTL

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.