

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition for approval of amendment to territorial agreement in Charlotte, Lee, and Collier Counties, by Florida Power & Light Company and Lee County Electric Cooperative.

DOCKET NO. 140210-EU
ORDER NO. PSC-14-0699-CFO-EU
ISSUED: December 18, 2014

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY AND LEE COUNTY ELECTRIC COOPERATIVE'S REQUEST FOR CONFIDENTIAL CLASSIFICATION (DOCUMENT NO. 06150-14)

On November 3, 2014, pursuant to Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company (FPL), individually and on behalf of Lee County Electric Cooperative (LCEC) (collectively referred to as "the Parties"), filed a Request for Confidential Classification (Request) of certain materials produced by the Parties in their Joint Petition for Approval of Amendment to Territorial Agreement Between FPL and LCEC (Joint Petition). The Parties assert that the confidential information in "Exhibit C" of Appendix A of their Joint Petition is intended to be proprietary, is treated as proprietary, and has not been publicly disclosed. The Parties request that the Commission grant confidential classification for the document (DN 06150-14) for a period of 18 months from the date of the issuance of this Order, pursuant to Section 366.093(4), Florida Statutes (F.S.).

Request for Confidential Classification

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 Section 119.07(1) [the Public Records Act]." Pursuant to Section 366.093(3), F.S., proprietary confidential business information includes 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. Confidential business information includes, but is not limited to, the following:

- "Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms"; and
- "Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." *Id.* at (d)-(e).

The Parties contend that the information, described with specific justification in the Request, (1) is intended to be confidential, (2) is treated as confidential by the Parties and (3) has not been otherwise publicly disclosed. The information is generally described as customer-specific information and other customer account details, such as customer names, addresses, meter numbers and account numbers. The Parties contend that each of their respective company policies do not permit the disclosure of customer specific information, including but not limited to, “customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh and bills.”¹ The Parties argue that their policies are “based upon the customer’s right to privacy and the potential that the disclosure of the customer-specific information may harm some of its customers’ competitive interests.”² As a result, the Parties treat such information as confidential and do not disclose the information, “except as required by law, to entities or persons other than the customer without the permission of the customer.”³ Based on the foregoing reasons, the Parties assert that the information is entitled to confidential classification pursuant to Section 366.093(3)(d)-(e), F.S.

Ruling

Upon review, I find that the information identified in Document No. 06150-14, more specifically described in Exhibit A, and referenced in Exhibits B, C and D of the Parties’ Request, is treated by the Parties as private, has not otherwise been disclosed, and is (a) contractual data, the disclosure of which would impair the efforts of the Parties to contract for goods or services on favorable terms, or (b) competitive interests, the disclosure of which would impair the competitive business of the provider of the information, or its customers. I find that disclosure of the identified information would cause harm to FPL and LCEC’s ratepayers or to its business operations. Therefore, the information shall be granted confidential classification pursuant to Section 366.093(3), F.S .

Based on the foregoing, it is

ORDERED by Commissioner Eduardo E. Balbis, as Prehearing Officer, that Florida Power & Light Company’s Request for Confidential Classification of Document No. 06150-14, as detailed in its Request for Confidential Classification, is granted. It is further

ORDERED that the information in Document No. 06150-14 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. At the conclusion of the 18-month period, the

¹ See, Document No. 06149-14, Florida Power & Light Company’s Request for Confidential Classification, filed November 3, 2014, in Docket No. 140210-EU, In re: Joint petition for approval of amendment to territorial agreement in Charlotte, Lee, and Collier Counties, by Florida Power & Light Company and Lee County Electric Cooperative.

² Id.

³ Id.

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confidential information will no longer be exempt from Section 119.07(1), F.S., unless Florida Power & Light Company, Lee County Electric Cooperative, or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information. 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.

By ORDER of Commissioner Eduardo E. Balbis, as Prehearing Officer, this 18th day of December, 2014.



EDUARDO E. BALBIS

Commissioner and Prehearing Officer

Florida Public Service Commission

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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.

KFC

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.