

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear cost recovery clause.

DOCKET NO. 150009-EI
ORDER NO. PSC-15-0039-CFO-EI
ISSUED: January 12, 2015

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR
EXTENSION OF CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 01022-12, X-REF. DOCUMENT NO. 06931-10)

On February 23, 2012, 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 portions of Exhibit FR-1 to the joint testimony of Mr. Fisher and Mr. Rich filed in Docket No. 100009-EI (Document No. 06931-10). This Request was filed in Docket No. 120009-EI.

Request for Confidential Classification

On July 14, 2010, FPL requested confidential classification of portions of Florida Public Service Commission (Commission) Staff's audit report on project management, which was subsequently attached to the prefiled joint testimony of Mr. Fisher and Mr. Rich as exhibit FR-1. FPL's request was subsequently revised at a "Confidentiality Hearing" on August 20, 2010, and marked as Confidentiality Hearing Exhibit No. 2. FPL's revised request was granted by Order No. PSC-10-0540-CFO-EI, issued on August 23, 2010. FPL's revised Request and Exhibits A through D are incorporated herein by reference.

FPL contends that the designated portions of the information contained in Exhibit FR-1 to the joint testimony of Mr. Fisher and Mr. Rich constitute proprietary confidential business information entitled to continued protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. FPL affirms that this information is intended to be and continues to be treated by FPL as private and has not been publicly disclosed.

FPL contends that the some of information in Exhibit FR-1 contains reports of internal auditors as well as information related to bids and contractual data, such as pricing or other terms, the public disclosure of which would violate nondisclosure provisions of FPL's contracts with certain vendors and impair FPL's ability to contract for goods or services on favorable terms in the future. FPL asserts that Exhibit FR-1 also includes competitively sensitive information which, if disclosed, could impair the competitive interests of the provider of the information and could impair current negotiations FPL is engaged in with certain vendors. Finally, FPL contends that the information also includes employee information that is unrelated to compensation, duties, qualifications, or responsibilities.

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-numbered documents is due to expire soon. FPL contends that the information deemed confidential warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3), F.S. FPL further asserts that the confidential information is intended to be and has been treated by FPL as private and its confidential nature has been maintained. 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:

- (b) Internal auditing controls and reports of internal auditors.
- (d) 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.
- (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 concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL 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. The information also appears to contain internal auditing controls and employee personnel information unrelated to compensation, duties, qualifications, or responsibilities; thus, the information identified in Document No. 01022-12, x-ref. Document No. 06931-10, 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 No. 01022-12, x-ref. 06931-10, 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

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 12th day of January, 2015.



JULIE I. BROWN
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.

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.