

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental cost recovery clause.

DOCKET NO. 160007-EI  
ORDER NO. PSC-16-0460-CFO-EI  
ISSUED: October 14, 2016

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR  
CONFIDENTIAL CLASSIFICATION (DOCUMENT NO. 00817-16, X-REF DOCUMENT  
NOS. 02755-14 and 03216-14)

On February 11, 2016, 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 its First Request for Confidential Classification (Request) of certain information provided pursuant to Audit Control No. 14-010-4-1 (audit workpapers) (Document No.00817-16, x-ref Document Nos. 02755-14 and 03216-14). This Request was filed in Docket No. 160007-EI.

Request for Confidential Classification

FPL's original request for confidential treatment of information provided pursuant to Audit No. 14-010-4-1 was granted by Order No. PSC-14-0485-CFO-EI, issued September 12, 2014. FPL contends that the designated portions of the audit workpapers constitute proprietary confidential business information entitled to continued protection under Section 366.093(3), F.S., and Rule 25-22.006, F.A.C. FPL avows that this information is intended to be and continues to be treated by FPL as private and has not been publicly disclosed.

FPL asserts that the information that was the subject of Order No. PSC-14-0485-CFO-EI warrants continued treatment as proprietary and confidential business information. FPL's request incorporates by reference and adopts the arguments propounded in its original request. Also included within FPL's request are First Revised Exhibit A, First Revised Exhibit B, First Revised Exhibit C, and First Revised Exhibit D. First Revised Exhibits A and B consist of highlighted and redacted copies of the specific working papers where FPL has determined that a portion of the information previously designated as confidential requires continued confidential treatment. Revised Exhibit C is a table that identifies the specific pages, lines or columns of confidential information and references the specific statutory bases for confidentiality. Revised Exhibit D contains the declaration of Roxanne R. Kennedy in support of this Request.

FPL contends that the audit workpapers contain information pertaining to the competitive interests of FPL and its vendors. FPL contends that this information specifically relates to negotiated solar pricing information. FPL asserts that the disclosure of this information, when coupled with the other information that is publicly available, would place FPL or its vendors at a disadvantage. FPL further asserts that the disclosure of this information would impair FPL's ability to contract for goods or services on favorable terms in the future. FPL argues that this information should be protected under Sections 366.093(3)(e), F.S.

FPL contends that nothing has changed since the filing of the original request 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 Florida Public Service Commission (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 provider as private, and that disclosure of the information would cause harm to the provider'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.

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 FPL or its affiliates to contract for goods or services on favorable terms. Thus, the information identified in Document No. 00817-16, x-ref Document Nos. 02755-14 and 03216-14 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 Art Graham, as Prehearing Officer, that Florida Power & Light Company's Request for Extension of Confidential Classification of Document No. 00817-16, x-ref Document Nos. 02755-14 and 03216-14 is granted. It is further

ORDERED that the information contained in Document No. 00817-16, x-ref Document Nos. 02755-14 and 03216-14, 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 Art Graham, as Prehearing Officer, this 14th day of October, 2016.



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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.

SAF/CWM

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

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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.