

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery
clause.

DOCKET NO. 20170002-EG
ORDER NO. PSC-2017-0380-CFO-EG
ISSUED: October 3, 2017

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF MATERIALS PROVIDED PURSUANT TO
AUDIT NO. 17-024-4-1 (DOCUMENT NO. 05560-17; X-REF 05189-17)

On June 26, 2017, 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 Confidential Classification (Request) of certain information provided pursuant to Audit Control No. 17-024-4-1 (audit work papers) (Document No. 05560-17; x-ref 05189-17).

Request for Confidential Classification

FPL contends that the audit work papers, as more specifically identified in Exhibit C to its Request, constitute proprietary confidential business information entitled to protection under Section 366.093, F.S. and Rule 25-22.006, F.A.C. Exhibit C is a table that identifies the specific pages, lines or columns of confidential information, references the specific statutory bases for confidentiality, and lists the declarants who support the requested classification. Exhibit D contains the declaration of Anita Sharma in support of FPL's request. FPL asserts that this information is intended to be and is treated by FPL as private and has not been publicly disclosed.

FPL contends that the audit work papers contain information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. Additionally, FPL contends that the audit work papers concern FPL's competitive interests, the disclosure of which would impair competitive business of FPL and its vendors. Finally, FPL contends that the audit work papers include customer specific account information, the disclosure of which would violate FPL's corporate policy not to disclose customer-specific information without the customer's consent, except as required by law. FPL argues that the audit work papers should be protected pursuant to Sections 366.093(3) (d), and (e), F.S.

Ruling

Section 366.093(1), F.S., provides that records the Florida Public Service Commission (Commission) has found to contain proprietary 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 has not been voluntarily disclosed to the public. Section

366.093(3), F.S., provides that proprietary confidential business information includes, but is not limited to:

- (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.

Upon review, it appears that the information described above satisfies the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information. The information described above and in Exhibit C, attached to FPL's Request, 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. Thus, the information identified in Document No. 05560-17; x-ref 05189-17 shall be granted confidential classification.

FPL requests that confidential treatment be extended for a period of at least three years. However, FPL did not provide any further support for why the information would need continuing confidential treatment beyond the 18 months provided by the statute. This does not meet the requirement provided within the statute for "good cause." Therefore, 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 Ronald A. Brisé, as Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification of Document No. 05560-17; x-ref 05189-17 is granted. It is further

ORDERED that the information in Document No. 05560-17; x-ref 05189-17, for which confidential classification has been granted, shall remain protected from disclosure for a period of up to 18 months from the date of the 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 Ronald A. Brisé, as Prehearing Officer, this 3rd day of October, 2017.



RONALD A. BRISÉ
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.

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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.

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.