

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for limited proceeding for recovery of incremental storm restoration costs related to Hurricane Matthew by Florida Power & Light Company.

DOCKET NO. 20160251-EI
ORDER NO. PSC-2021-0162-CFO-EI
ISSUED: May 12, 2021

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL
CLASSIFICATION (DN 00689-2018, X-REF. 00128-2018)

On March 18, 2021, 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 Extension of Confidential Classification (Request) for portions of the Florida Public Service Commission's (Commission) staff audit work papers, Audit Control No. 2017-297-1-1 (Document No. 00689-2018, x-ref. Document No. 00128-2018). Confidential classification for this material was originally granted by Order No. PSC-2018-0155-CFO-EI, issued March 20, 2018.

Request for Confidential Classification

FPL contends that designated portions of Audit Control No. 2017-297-1-1 work papers, as more specifically described in Exhibit C attached 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 attached to FPL's Request contains a detailed matrix providing justification and support for confidential classification of the information on a line-by-line, column-by-column basis. FPL asserts that this information is intended to be and is treated by FPL as private and has not been publicly disclosed.

The information contained in the Audit Control No. 2017-297-1-1 work papers are specific details about FPL's contract with its third-party lodging supplier along with specific prepayment provisions exclusive to that provider. FPL argues that if this contract information were disclosed it would impair its supplier relationship and impede FPL's ability to secure critical hotel rooms for its storm restoration personnel at the lowest price, or possibly at all. FPL requests confidential classification for this information for a period of 36 months.

Ruling

Section 366.093(1), F.S., provides that records the 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, 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 the above-referenced information continues to satisfy the criteria set forth in Sections 366.093(3)(d) and (e), F.S., for classification as proprietary confidential business information. The information described above and in Exhibit A, attached to FPL's Request, appears to be 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. This information reveals specific information about lodging during storm events. The public disclosure of any of this information could impair FPL's ability to provide adequate lodging for its personnel during emergencies at the lowest cost to ratepayers. Therefore, the information contained in Document No. 00689-2018, x-ref. Document No. 00128-2018, shall be granted extended confidential classification.

Section 366.093(4), F.S., provides that any finding by the Commission that records contain proprietary confidential business information shall be effective for a period not to exceed 18 months, absent good cause shown. FPL has demonstrated that the information for which confidentiality is requested should be granted confidentiality for an extended period of time. Therefore, the information identified in Document No. 00689-2018, x-ref. Document No. 00128-2018, shall be granted confidential classification for a period of 18 months from the issuance of this Order.

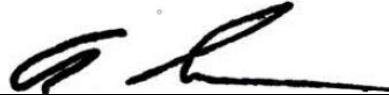
Based on the foregoing, it is hereby

ORDERED by Commissioner Art Graham, as Prehearing Officer, that Florida Power & Light Company's request for extended confidential treatment of Document No. 00689-2018, x-ref. Document No. 00128-2018, is granted, as set forth herein. It is further

ORDERED that the information contained in Document No. 00689-2018, x-ref. Document No. 00128-2018, 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 12th day of May, 2021.



ART GRAHAM
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.

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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.