

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery
clause with generating performance incentive
factor.

DOCKET NO. 20220001-EI
ORDER NO. PSC-2022-0080-CFO-EI
ISSUED: February 21, 2022

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 02461-2018, X-REF. 02786-2016)

On July 28, 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 second request for extension of confidential classification (Request) for materials provided pursuant to Audit No. 16-020-4-2 (Audit) (Document No. 02461-2018, x-ref. 02786-2016). Confidential classification of Audit No. 16-020-4-2 was initially granted by Order No. PSC-16-0403-CFO-EI, issued on September 21, 2016. FPL amended its first request for confidentiality of Audit No. 16-020-4-2 on July 20, 2018, to request confidentiality for a 36 month period. This request was granted by Order No. PSC-2018-0376-CFO-EI, issued on July 30, 2018.

Request for Confidential Classification

FPL contends that portions of the materials provided pursuant to Audit No. 16-020-4-2 continue to be proprietary confidential business information under Sections 366.093(3)(c), (d) and (e), Florida Statutes (F.S.). In 2018 FPL submitted revised Exhibits A, B and C, which reflect the deletion of some materials originally granted confidentiality by Order No. PSC-16-0403-CFO-EI (Document No. 02461-2018). The remaining materials consist of internal auditing controls, the reports of internal auditors for 2015, and contract pricing and bid information for long and short term capacity and energy wholesale transactions. Further, the materials include information describing security services provided by third party vendors to comply with North American Electric Reliability Corporation Critical Infrastructure Protection requirements. FPL contends that nothing has occurred since the issuance of Order No. PSC-2018-0376-CFO-EI to render this information stale or public. Finally, FPL states that it has consistently maintained the confidentiality of this information and requests that confidential treatment be extended for another 36 months.

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:

- (c) Security measures, systems, or procedures
- (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 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 Attachment C appended to FPL's Request appears to be "internal auditing controls and reports of internal auditors", "security measures, systems or procedures", "[i]nformation 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 "[i]nformation 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. 02461-2018, x-ref. 02786-2016 shall be granted 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 unless good cause is shown to grant protection from disclosure for a longer period. Currently the Commission retains audit reports for a period of seven years at which time the audit materials are returned to FPL unless Commission staff or another affected person requests that these audit materials continue to be retained. The nature of these materials will not change in the next three years. Therefore, it is administratively efficient at this time to grant confidentiality classification for a period of 36 months. At the conclusion of this 36-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

ORDERED by Commissioner Mike La Rosa, as Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification of Document No. 02461-2018, x-ref. 02786-2016, is granted, as set forth herein. It is further

ORDERED that the information in Document No. 02461-2018, x-ref. 02786-2016, for which confidential classification has been granted shall remain protected from disclosure for a period of 36 months from the date of issuance of this Order. 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 Mike La Rosa, as Prehearing Officer, this 21st day of February, 2022.



Mike La Rosa
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.