

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Storm Protection Plan,
pursuant to Rule 25-6.030, F.A.C., Tampa
Electric Company.

DOCKET NO. 20220048-EI

In re: Review of Storm Protection Plan,
pursuant to Rule 25-6.030, F.A.C., Florida
Public Utilities Company.

DOCKET NO. 20220049-EI

In re: Review of Storm Protection Plan,
pursuant to Rule 25-6.030, F.A.C., Duke
Energy Florida, LLC.

DOCKET NO. 20220050-EI

In re: Review of Storm Protection Plan,
pursuant to Rule 25-6.030, F.A.C., Florida
Power & Light Company.

DOCKET NO. 20220051-EI
ORDER NO. PSC-2022-0314-CFO-EI
ISSUED: August 30, 2022

ORDER GRANTING CONFIDENTIALITY TO
VOLUME 4, AUGUST 2, 2022 HEARING TRANSCRIPT
(DOCUMENT NO. 05466-2022)

On June 21, 2022, Florida Public Utilities Company (FPUC) filed a Request for Confidential Classification and Motion for Temporary Protective Order, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), pertaining to certain information contained in the testimony of Kevin J. Mara (Document No. 04181-2022). On June 30, 2022, FPUC submitted a corrected version of the document for which FPUC seeks confidential classification (Document No. 04400-2022). This request was granted by Order No. PSC-2022-0282-CFO-EI, issued July 21, 2022. Mr. Mara's confidential direct testimony is included in Volume 4 of the transcript of the final hearing conducted in this docket on August 2, 2022 (Document No. 05466-2022).

The material contained in Mr. Mara's confidential direct testimony included in Volume 4 is the same as that granted confidentiality by Order No. PSC-2022-0282-CFO-EI.

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

Upon review, it appears the above-referenced information in Document No. 04400-2022, satisfies the criteria set forth in Section 366.093(3)(c), F.S., for classification as proprietary confidential business information. The information contains detailed location information regarding key structures and system information regarding FPUC's facilities. Thus, the information identified in Document No. 04400-2022 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. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless FPUC 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 Mike La Rosa, as Prehearing Officer, that Florida Public Utilities Company's Request for Confidential Classification of Document No. 05466-2022 is granted, as set forth herein. It is further

ORDERED that the information in Document No. 05466-2022, 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 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 30th day of August, 2022.



Mike La Rosa
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.

WLT

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.