

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for authority to recover prudently incurred storm restoration costs related to 2004 storm season that exceed storm reserve balance, by Florida Power & Light Company.

DOCKET NO. 041291-EI  
ORDER NO. PSC-09-0738-PCO-EI  
ISSUED: November 6, 2009

ORDER GRANTING REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF DOCUMENT NOS. 01560-05, 01561-05, 01563-05 and 02236-05

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 or company) filed a request for extension of confidential treatment for certain portions of staff's working papers prepared during its Storm Cost Recovery Audit for the year ended December 31, 2004. Order No. PSC-05-0712-CFO-EI, issued on June 30, 2005, initially granted confidential classification for the documents. Order No. PSC-07-0790-CFO-EG, issued on September 27, 2007, granted an extension for confidential classification for a period of 18 months. FPL has requested that the period of time for confidential treatment be extended for the information contained in Document Nos. 01560-05, 01561-05, 01563-05 and 02236-05. FPL further requests that the information be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. Since audit materials of the type contained in these documents must be retained by the Commission for 25 years, the documents cannot be returned to FPL at this time.

Section 366.093(1), F.S., provides that records that the 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 company as private, in that disclosure of the information would cause harm to the company'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:

- (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.

FPL asserts that the information for which it seeks continued confidential status consists of sensitive contractual data, such as pricing and other terms. FPL asserts that the disclosure of sensitive contractual data, such as prices and other terms, would impair the efforts of FPL and its affiliates to contract on favorable terms. In addition, FPL argues that the release of this pricing and other contractual data would impair the business interests of involved vendors when bidding

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on future FPL and non-FPL contracts. FPL contends that the information for which it is requesting renewal of confidential classification is proprietary confidential business information, under Sections 366.093(3)(d) and (e), F.S., owned or controlled by the company, the disclosure of which would impair the company's business operations or cause harm to its ratepayers. FPL claims that nothing has changed since the Commission issued its prior confidentiality order. The information is still of current value, and it has not been made public.

FPL requests confidential classification for the following information:

<b>WORKPAPER</b>	<b>PAGE(S)</b>	<b>LINE(S)</b>	<b>TYPE OF INFORMATION</b>
Document Nos. 01560-05 and 02236-05			
43-2	1	Cols A, N, 38, 41	Sensitive contractual and business information
43-2	2	Col K, 20	Sensitive contractual and business information
43-2/1	1	Col C, 13-16, 21-24, 29-32;  Col D, 13-17, 21-25, 29-34;  Col F, 13-16, 21-24, 29-32, 35-36;  Col G, 13-17, 21-25, 29-34, 36-38;  Col H, 13-17, 21-25, 29-34;  Col I, 13-17, 21-25, 29-34	Sensitive contractual and business information
43-3/1-1	1	Col C, 6	Sensitive contractual and business information
43-3/1-1	3	Col C, 62	Sensitive contractual and business information
Documents Nos. 01561-05 and 02236-05			
44-8	1	15, 41, 43, 47	Sensitive contractual and business information
44-8	2	9, 13, 15, 18, 20	Sensitive contractual and business information
44-8/1-3	1	Col B, 18-20;  Col C, 9	Sensitive contractual and business information

<b>WORKPAPER</b>	<b>PAGE(S)</b>	<b>LINE(S)</b>	<b>TYPE OF INFORMATION</b>
Documents Nos. 01561-05 and 02236-05			
44-8/1-4	1	Cols C-D, 11, 23, 35, 47	Sensitive contractual and business information
44-8/1-5	1	Col A, 6, 23, 26, 31	Sensitive contractual and business information
44-8/2	2	Col E, 24-25	Sensitive contractual and business information
44-8/2-1	1	Col C, 11, 12	Sensitive contractual and business information
44-8/2-1	7	Col C, 13-17; Col F, 19	Sensitive contractual and business information
44-8/2-2	1	Col C, 21, 39; Col D, 7, 13-14, 21, 23, 27, 39, 43, 46	Sensitive contractual and business information
44-8/2-2	2	Cols C-D, 5, 13, 21;	Sensitive contractual and business information
44-8/2-2	3	Col I, 2, 4, 7; Col K, 2	Sensitive contractual and business information
44-8/3-1	1	Col C, 14-19	Sensitive contractual and business information
44-8/3-1	6	Col C, 13-16	Sensitive contractual and business information
44-8/3-2	1	Col I, 2, 4, 6, 8; Col K, 2	Sensitive contractual and business information
44-8/3-2	2	Col C, 14-16	Sensitive contractual and business information
44-8/3-2	3	Col C, 5-8	Sensitive contractual and business information
44-8/3-3	1	Cols N-O, 17-18; Col P, 17-22	Sensitive contractual and business information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Documents Nos. 01563-05 and 02236-05			
52-5/2	1	Col A, 10-12, 35-37;  Col B, 10, 12-13, 23-25, 36-41;  Col C, 12-13, 24-25, 37-41;  Col D, 30;  Col F, 12-13, 24-25, 37-41	Sensitive contractual and business information
52-5/2	2	Col A, 6-8;  Col B, 7, 9-14;  Col C, 10-14;  Col D, 4, 16;  Col F, 10-14	Sensitive contractual and business information
52-5/3	1	Cols B-D, 4-8;  Col E, 7;  Cols G-I, 4-8;  Cols K-L, 4-9;  Col M, 7-9	Sensitive contractual and business information
52-7/1-1	2	Col D, 11-16, 25;  Col F, 11-16, 25-26	Sensitive contractual and business information
52-7/1-1	3	Cols D-E, 14;  Cols F-G, 25	Sensitive contractual and business information

<b>WORKPAPER</b>	<b>PAGE(S)</b>	<b>LINE(S)</b>	<b>TYPE OF INFORMATION</b>
Documents Nos. 01563-05 and 02236-05			
52-7/1-1	4	Col B, 20, 22; Col C, 20, 22, 30; Col D, 20, 22; Col E, 20, 22, 30; Col F, 20, 22; Cols G-H, 10, 14-15, 20, 22-23; Col I, 8, 13, 20, 22-23; Col J, 8, 13, 17, 20, 24; Col K, 8, 13, 17, 20, 24; Col L, 8, 13, 17, 20, 24	Sensitive contractual and business information
52-7/1-1	8	Cols C, E-F, 8-53; Cols G, I, 43	Sensitive contractual and business information
52-7/1-1	9	Col C, 7-58; Cols E-F, 7-58, 60; Col G, 60, Col I, 60-61	Sensitive contractual and business information
52-7/1-2	5	Col F, 2	Sensitive contractual and business information

Upon review, it appears that the above-referenced information satisfies the criteria set forth in Section 366.093(3)(d) and (e), F.S. The information contains customer contractual information, the disclosure of which would impair the company's ability to contract for the sale of goods and services on favorable terms and impair the competitive interests of its customers.

Section 366.093(4), F.S., limits the duration of confidential classification or the extension of confidential classification to 18 months, unless there is good cause to extend the protection for a specified longer period of time. I find that confidentiality shall be extended for 18 months. If necessary, FPL may request an additional extension at the appropriate time.

Based on the foregoing, it is

ORDERED by Chairman Matthew M. Carter II, as Presiding Officer, that the information described in the body of this Order and contained in Document Nos. 01560-05, 01561-05, 01563-05 and 02236-05 shall be granted an additional 18 months of confidential classification. It is further

ORDERED that pursuant to Rule 25-22.066, F.A.C., and Section 366.093(3), F.S., confidentiality granted to the documents specified herein shall expire 18 months from the date of the issuance of this Order in the absence of a renewed request for confidentiality. 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 Chairman Matthew M. Carter II, as Presiding Officer, this 6th day of November, 2009.



MATTHEW M. CARTER II  
Chairman and Presiding Officer

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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.