

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for increase in rates by Florida
Power & Light Company.

DOCKET NO. 120015-EI
ORDER NO. PSC-12-0422-CFO-EI
ISSUED: August 15, 2012

ORDER GRANTING REQUEST
FOR CONFIDENTIAL CLASSIFICATION
OF CERTAIN DISCOVERY RESPONSES
(DOCUMENT NO. 04920-12)

On July 23, 2012, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Florida Power and Light Company (FPL) filed a request for confidential classification with respect to the highlighted information contained in Document No. 04920-12. That document includes: FPL's Responses to Staff's 7th Set of Interrogatories No. 242, Attachment 1; Staff's 6th Request for Documents No. 50: Part 1 (only Attachments 22 and 35); and Part 2 (all); Office of Public Counsel's (OPC) First Request for Production of Documents No. 8; and OPC's 8th set of Interrogatories (Nos. 144, 146, 148, 149, 151, 157, and 161). FPL states that the information contained in these responses should be classified as proprietary, confidential business information pursuant to Section 366.093(3)(b), (d), (e), and (f), F.S.

Request for Confidential Classification

Section 366.093(1), F.S., provides that "any records received by the commission which are shown and found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from Section 119.07(1) [the Public Records Act]." Pursuant to Section 366.093(3), F.S., proprietary confidential business information includes information that 1) is intended to be and is treated by the company as private, 2) disclosure of the information would cause harm to the company's ratepayers or business operations, and 3) the information has not been voluntarily disclosed to the public. Confidential business information includes, but is not limited to "[i]nternal auditing controls and reports of internal auditors;" "[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;" "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information;" and [e]mployees personnel information unrelated to compensation, duties, qualifications, or responsibilities." *Id.* at (b), (d), (e), and (f).

FPL contends that portions of the discovery responses identified above contain information related to internal auditing controls and reports of internal auditors which are protected from public disclosure. Also, the responses contain information related to bids and other contractual data which would harm the competitive interests of FPL, its vendors, and the providers of the information, if revealed. FPL also contends that some of the information relates

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to certain employees' compensation, the disclosure of which could harm FPL's competitive interests.

Ruling

Upon review, I find that the information identified in Document No. 04920-12, as more specifically described in Exhibit C to the Company's Request, is treated by the Company as private, has not otherwise been disclosed, and concerns matters described in Section 366.093(3)(b), (d), (e), and (f), F.S. as confidential business information. As such, the information is protected from public disclosure, and thus shall be granted confidential classification pursuant to Section 366.093(1), F.S.

Based on the foregoing, it is

ORDERED by Commissioner Art Graham, as Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification of portions of Document No. 04920-12, as detailed in Exhibit C to its Request, is granted. It is further

ORDERED that the information in Document No. 04920-12, for which confidential classification has been granted, shall remain protected from disclosure for a period of 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 Florida Power & Light Company or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information. 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 15th day of August, 2012.



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

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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.