

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidential classification of document request responses and portions of staff's audit report entitled Review of the Payment Arrangement Programs Offered by the Florida Electric Industry by Duke Energy Florida, Inc.

DOCKET NO. 20120243-EI  
ORDER NO. PSC-2017-0381-CFO-EI  
ISSUED: October 4, 2017

ORDER GRANTING DUKE ENERGY FLORIDA INC.'S  
THIRD REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF  
DOCUMENT NO. 07516-12

On August 3, 2017, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Duke Energy Company (DEF), filed a Third Request for Extension of Confidential Classification (Request) of Document No. 07516-12 related to a Commission staff review of information contained in a Commission audit of DEF's customer payment arrangement programs. The Commission granted DEF's request for confidential classification of Document No. 07516-12 by Order No. PSC-12-0630-CFO-EI, issued November 26, 2012. The Commission granted extended confidential classification of Document No. 07516-12 by Order No. PSC-14-0378-CFO-EI, issued July 21, 2014, and by Order No. PSC-16-0062-CFO-EI, issued February 3, 2016.

Request for Confidential Classification

DEF asserts that the information contained in Document No. 07516-12 warrants continued treatment as proprietary and confidential business information. DEF states that the information identified in Document No. 07516-12 contains sensitive business information, such as DEF's internal payment arrangement guidelines and procedures, entitled to protection under Section 366.093, F.S., and Rule 25-22.006(3), F.A.C. DEF asserts that this information is intended to be and is treated as confidential by DEF and that the information has not been disclosed to the public. DEF also states that the information warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3), F.S.

Ruling

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 "[i]nformation 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)(e), F.S., for continued classification as proprietary confidential business information. The information constitutes “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Thus, the information in Document No. 07516-12 shall be granted extended confidential classification.

Pursuant to Section 366.093(4), F.S., the information for which extended 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 DEF 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 Art Graham, as Prehearing Officer, that Duke Energy Florida, Inc.’s Third Request for Extension of Confidential Classification of Document No. 07516-12 is granted. It is further

ORDERED that the information contained in Document No. 07516-12, 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. It is further

ORDERED that this docket shall be closed.

By ORDER of Commissioner Art Graham, as Prehearing Officer, this 4th day of October, 2017.



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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.