

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Evaluation of storm restoration costs for
Florida Power & Light Company related to
Hurricane Irma.

DOCKET NO. 20180049-EI
ORDER NO. PSC-2019-0130-CFO-EI
ISSUED: April 12, 2019

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 03135-2019)

On March 15, 2019, 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 a Request for Confidential Classification (Request) of portions of the rebuttal testimony of Manuel B. Miranda and Ronald R. Reagan, as well as Kristin Manz's Exhibits KM-1, KM-2, and KM-3 (Document No. 03135-2019).

Request for Confidential Classification

Order No. PSC-2019-0090-CFO-EI, issued on March 6, 2019, granted confidentiality to FPL's responses to the Office of Public Counsel's (OPC) Eighth Set of Interrogatories, Nos. 154 and 156. FPL's response to OPC's Eight Set of Interrogatories, No. 156, is contained in KM-1 and FPL's response to OPC's Eighth Set of Interrogatories, No. 154, is contained in pages 2 and 3 of Exhibit KM-2. Pages 4 and 5 of Exhibit KM-3 are FPL's responses to OPC's Seventh Request for Production of Documents, No. 35, and have already been granted confidentiality by Order No. PSC-2019-0031-CFO-EI, issued on January 2, 2019.

On March 6, 2019, Order No. PSC-2019-0089-CFO-EI, granted confidentiality to vendor rates, ranges of vendor rates, vendor contracts, and contract details related to the testimony and exhibits of OPC witness Helmuth W. Schultz, III. This is the same information contained in portions of the rebuttal testimony of FPL witnesses Miranda and Reagan for which confidentiality is sought here. In short, the material for which FPL is seeking confidential treatment has already been granted confidential treatment by previous Commission orders.

FPL contends that the information provided in these materials, as more specifically described in Exhibit A and referenced in Exhibit C, attached to its Request, constitutes proprietary and confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. FPL asserts that this information is intended to be and is treated by FPL as private and its confidentiality has been maintained.

FPL contends that the highlighted information contained in the testimony and exhibits of witnesses Miranda, Reagan and Manz, submitted as Exhibit A, represents proprietary confidential business information. FPL asserts that the information contains information concerning FPL's vendors which, if made public, would impair the efforts of FPL to contract for goods or services on favorable terms. Additionally, FPL contends that the disclosure of the information could harm the competitive interests of both FPL and its vendors. For these reasons,

FPL argues that such information is entitled to confidential classification pursuant to Section 366.093(3)(d) and (e), F.S.

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:

(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 FPL's Request appears to contain information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms, and information 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. 03135-2019 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 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 hereby

ORDERED by Commissioner Julie I. Brown, as Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification of Document No. 03135-2019, is granted. It is further

ORDERED that the information in Document No. 03135-2019, for which confidential classification has been granted, shall remain protected from disclosure for a period of up to 18

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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 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 Julie I. Brown, as Prehearing Officer, this 12th day of April, 2019.



JULIE I. BROWN

Commissioner and Prehearing Officer

Florida Public Service Commission

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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.

SBr

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.