

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery
clause with generating performance incentive
factor.

DOCKET NO. 20190001-EI
ORDER NO. PSC-2019-0340-CFO-EI
ISSUED: August 21, 2019

ORDER GRANTING REQUEST FOR EXTENSION OF CONFIDENTIAL
CLASSIFICATION (DOCUMENT NO. 04158-2019, X-REF. 08293-2017 AND 07738-2017)

On May 6, 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 Extension of Confidential Classification (Request) of certain information provided pursuant to Audit No. 2017-048-4-1 (Document No. 04158-2019, x-ref. 08293-2017 and 07738-2017). This information was previously granted confidential classification by Order No. PSC-2017-0425-CFO-EI, issued on November 6, 2017.

Request for Confidential Classification

FPL contends that the information provided pursuant to Audit No. 2017-048-4-1 contains information of a confidential nature, which is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes.

FPL contends that the information is proprietary and confidential business information within the meaning of Section 366.093(3), F.S. This information is intended to be and is treated by FPL as private, and its confidentiality has been maintained. This information includes audit work papers listing counterparties, settlement reports, invoices, and transactions associated with natural gas hedging transactions for 2016. FPL contends that this contract information is protected by Section 366.093(3)(b), F.S. FPL further contends that the disclosure of this data would impair FPL's efforts to procure natural gas on the most favorable terms and would impair the competitive interests of both FPL and its counterparties. Thus, FPL contends that this material is protected by Section 366.093 (d), F.S.

FPL further contends that this information relates to competitive interests, the disclosure of which would impair the competitive business of FPL, its affiliates, and its parent company, NextEra Energy. Such information is protected pursuant to Section 366.093(3)(e), F.S.

Ruling

Section 366.093(1), F.S., provides that records the 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 appears to be information concerning contractual data and competitive interests, the disclosure of which would impair the efforts of FPL to negotiate the lowest price for natural gas or impair the competitive business of FPL and its counterparties. Further, it appears that nothing has changed since the issuance of Order No. PSC-2017-0425-CFO-EI which would alter the confidential nature of these materials. Thus, the information identified in Document No. 04158-2019, x-ref. 08293-2017, and 07738-2017, 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 unless good cause is shown that protection from disclosure shall be for a specified longer period. The materials for which continued confidentiality is requested are audit materials which the Commission retains for a seven year period. The nature of these materials will not change in the next three years. Therefore, to promote administrative efficiency, FPL has requested that an extension for a 36 month period be granted. I find this request to be reasonable and grant it. At the conclusion of the 36 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 Gary F. Clark, Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification of Document No. 04158-2019, x-ref. 08293-2017, and 07738-2017, is granted. It is further

ORDERED that the information in Document No. 04158-2019, x-ref. 08293-2017 and 07738-2017, for which confidential classification has been granted, shall remain protected from disclosure for a period of up to 36 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 Gary F. Clark, as Prehearing Officer, this 21st day
of August, 2019.



GARY F. CLARK
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.