

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for issuance of nuclear asset-recovery financing order, by Duke Energy Florida, Inc. d/b/a Duke Energy.

DOCKET NO. 20150171-EI

In re: Petition for approval to include in base rates the revenue requirement for the CR3 regulatory asset, by Duke Energy Florida, Inc.

DOCKET NO. 20150148-EI
ORDER NO. PSC-2019-0012-CFO-EI
ISSUED: January 2, 2019

ORDER GRANTING DUKE ENERGY FLORIDA, LLC'S
SECOND REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 05290-15, X-REF. 04956-15)

On November 8, 2018, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Duke Energy Florida, LLC (DEF) filed its Second Request for Extension of Confidential Classification of certain information provided to the Florida Public Service Commission (Commission) staff during the Commission's audit of actual up-front bond issuance costs (Audit Control No. 15-161-2-1) conducted in the above-referenced dockets. Specifically, DEF seeks extended confidential classification of staff's audit workpapers contained in Document No. 05290-15 (x-ref. 04956-15).

Request for Confidential Classification

DEF's original request for confidential treatment of the information was granted by Order No. PSC-15-0490-CFO-EI, issued October 20, 2015. By that Order, the Commission granted DEF's seventh request for confidential classification. DEF's first request for extension of confidential classification of this information was granted by Order No. PSC-17-0164-CFO-EI, issued May 10, 2017. DEF asserts that all of the information contained in Document No. 05290-15 (x-ref. 04956-15) warrants continued treatment as proprietary and confidential business information.

DEF contends that Document No. 05290-15 (x-ref. 04956-15) contains information that constitutes "proprietary confidential business information" entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. DEF states that this information is intended to be and is treated by DEF as private and has not been publicly disclosed.

DEF further contends that the confidential information contained in Document No. 05290-15 (x-ref. 04956-15) includes sensitive business information, such as contractual, financial, vendor and employee information, the disclosure of which would harm DEF's competitive business interests and in many cases would violate contractual confidentiality clauses. According to DEF, public disclosure would also violate DEF's employees' and contractors' individual right to privacy. DEF asserts that nothing has changed since the issuance

of Order Nos. PSC-15-0490-CFO-EI and PSC-17-0164-CFO-EI to render the information stale or public, such that continued confidential treatment would no longer be appropriate.

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.

(f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

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 appears to be audit workpapers that contain contractual, financial, vendor and employee information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms, information relating to competitive interests, and employee personnel information, the disclosure of which would impair the competitive business of the provider of the information. Thus, the information identified in Document No. 05290-15 (x-ref. 04956-15) shall be granted a continuation of 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 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 Julie I. Brown, as Prehearing Officer, that Duke Energy Florida, LLC's Second Request for Extension of Confidential Classification of the information contained in Document No. 05290-15 (x-ref. 04956-15) is granted. It is further

ORDERED that the information in Document No. 05290-15 (x-ref. 04956-15), 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.

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 2nd day of January, 2019.



JULIE I. BROWN
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.