

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery
clause.

DOCKET NO. 110002-EG
ORDER NO. PSC-11-0321-CFO-EG
ISSUED: July 28, 2011

ORDER GRANTING SECOND REQUEST FOR EXTENSION OF CONFIDENTIAL
CLASSIFICATION OF DOCUMENT NOS. 05980-07 AND 06583-07

On April 13, 2011, 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 of materials provided in Audit No. 07-071-4-3 (Document Nos. 05980-07 and 06583-07). Order No. PSC-07-0829-CFO-EG, issued on October 15, 2007, granted confidential classification for the documents. Document Nos. 05980-07 and 06583-07 are currently held by the Commission's Office of Commission Clerk as confidential pending resolution of FPL's request for confidential classification. FPL asserts that the confidential information in the documents is intended to be proprietary, is treated as proprietary, and has not been publicly disclosed. FPL requests that the Commission grant confidential classification for the documents for a period of 18 months from the date of the issuance of this Order, pursuant to Section 366.093(4), F.S.

Section 366.093(1), F.S., provides that records the Commission has found to contain proprietary confidential business information shall be kept confidential and shall be exempt from Chapter 119, F.S., Florida's Public Records Act. 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:

- (b) Internal auditing controls and reports of internal auditors.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

FPL asserts that the information for which it seeks continued confidential status consists of FPL's internal auditing controls and reports of internal auditors, and customer specific account information. The customer information includes customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, and bills. Section 366.093(3)(b), F.S. provides the Commission may grant a confidential status to internal auditing information. Lastly, Section 366.093(e), F.S. provides that the Commission may grant a confidential classification to sensitive competitive business information if release of that information will harm the competitive business of the provider of that information.

DOCUMENT NUMBER-DATE
05257 JUL 28 =
FPSC-COMMISSION CLERK

FPL requests confidential classification for the information listed in the following table:

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Documents 05980-07 and 06583-07			
9	1-2	Col B	Internal auditing information
9-1	1-3	All	Internal auditing information
9-2	1-6	All	Internal auditing information
41-2/1	1-16	Col. 1	Sensitive competitive business information
41-2/1-1	2-6, 8, 10, 12-13	1-4	Sensitive competitive business information
43-1/3-1	1	Cols A-C, H-M, 1-4, 6-7, 9, 11-13, 16-17, 22-24, 27-29	Sensitive competitive business information
43-1/3-2	1	Cols A-C, H-M, 1-4, 6-7, 9-11, 14-15, 19-20, 24-26, 28-30, 32	Sensitive competitive business information
43-1/3-3/1	1	Cols A-C, H-M, 2, 4-6, 8-10, 13, 15, 17-21, 23, 25, 29, 31-32	Sensitive competitive business information
43-7/3-1	1	Cols. A-C, H-N, 1, 3, 5-6, 9-10, 12, 14-17, 19, 21-23, 25-29, 33, 35, 37, 39, 42, 44, 46-47	Sensitive competitive business information
43-7/3-1	2	Cols. A-C, H-N, 50-56, 65-66, 68-71, 73, 75-77, 79-80, 82-84, 86, 89-90, 92, 94	Sensitive competitive business information
43-7/3-1	3	Cols A-C, H-N, 96-98, 101, 107, 109, 111, 113, 117, 119, 121, 123, 125, 127-129, 131, 133-136	Sensitive competitive business information
43-7/3-1	4	Cols A-C, H-N, 137-141, 143, 147, 150-152, 156-159, 163-164, 166-167, 172-173, 178, 180-181	Sensitive competitive business information
43-7/3-1	5	Cols A-C, H-N, 189, 192-193, 197, 200-202, 204, 206, 211, 213, 215, 219-223	Sensitive competitive business information

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43-7/3-1	6	Cols A-C, H-N, 227-228, 230, 233-235, 238, 240-241, 243, 245-246, 248-251, 253, 255, 258-260, 263, 267, 270-271	Sensitive competitive business information
43-7/3-1	7	Cols A-C, H-N 273-274, 276, 283 286-287, 292, 294, 302, 305-306, 309, 312, 314-315	Sensitive competitive business information
43-7/3-1	8	Cols A-C, H-N, 317, 319-321, 323, 325, 336, 339-340, 342, 344, 348, 350-351, 354-355, 357, 360-361	Sensitive competitive business information
43-7/3-1	9	Cols A-C, H-N, 362, 367, 369-372, 374, 376-377, 383-384, 386, 389, 395, 397-399, 402, 405	Sensitive competitive business information
43-7/3-1	10	Cols A-C, H-N, 409-411, 413, 415, 420-421, 427, 432, 434-435, 438, 441, 443, 447, 449	Sensitive competitive business information
43-7/3-2	1-2	1-4	Sensitive competitive business information
43-7/4-1	1	Cols A-C, H-N, 2,6-7, 9, 11-16, 19, 21, 24-26, 32-33, 35, 38-39, 41-43, 45-47, 49	Sensitive competitive business information
43-7/4-1	2	Cols A-C, H-N, 50, 54-56, 58-60, 62-63, 66, 69-70, 78, 84-86, 88, 95-96	Sensitive competitive business information
43-7/4-1	3	Cols A-C, H-N, 104, 106-107, 109-110, 112, 118-119, 130, 137, 139-140, 143-144, 147-150	Sensitive competitive business information
43-7/4-1	4	Cols A-C, H-N, 155,	Sensitive competitive business

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43-7/4-1	5	Cols A-C, H-N, 207-208, 210-212, 216, 219, 225-226, 229-232, 235-236, 240, 243-244, 247-249, 255-256, 258	Sensitive competitive business information
43-7/4-1	6	Cols A-C, H-N, 260, 262-268, 271-272, 279-280, 284-288, 291-292, 296-299, 304, 307-308, 310, 313-314	Sensitive competitive business information
43-7/4-1	7	Cols A-C, H-N, 315, 317-318, 320-321, 323, 326-329, 331, 333, 335, 337-338, 340, 342, 344, 346, 348-349, 351-353, 356-357, 360-364	Sensitive competitive business information
43-7/4-1	8	Cols A-C, H-N, 369, 372-374, 376, 378-380, 384, 387, 394, 396, 403-404, 408-411	Sensitive competitive business information
43-7/4-1	9	Cols A-C, H-N, 418-419, 424-425, 427-428, 431-434, 441, 444-449, 451-452, 459-462, 464-465	Sensitive competitive business information
43-7/4-1	10	Cols A-C, H-N, 467, 472-478, 482-483, 486-487, 489	Sensitive competitive business information
43-7/4-2	1	Cols A-C, H-N, 2, 4-5, 9-11, 13-14, 17, 22, 24-26, 30-34, 38-39, 42-45	Sensitive competitive business information
43-7/4-2	2	Cols A-C, H-N, 48, 52, 58-70, 73-76, 78, 83, 85, 88-89	Sensitive competitive business information

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43-7/4-2	4	Cols A-C, H-N, 144-146, 151-154, 156-158, 161-162, 165, 171, 173, 177-178, 190	Sensitive competitive business information
43-7/4-2	5	Cols A-C, H-N, 192, 194-195, 201, 203-205, 207, 209-211, 213-216, 220, 222, 226-227, 230, 232, 235, 239, 243	Sensitive competitive business information
43-7/4-2	6	Cols A-C, H-N, 245-246, 248, 250-253, 255, 259, 264-266, 268-270, 275, 277-281, 285, 287, 289-290, 293	Sensitive competitive business information
43-7/4-2	7	Cols A-C, H-N, 296-302, 306-307, 310, 312, 314, 316, 320, 322, 326, 328, 331, 333, 335-336, 339, 342-346	Sensitive competitive business information
43-7/4-2	8	Cols A-C, H-N, 350-354, 357-358, 360, 366, 369, 371-374, 377-379, 385-390, 395, 396	Sensitive competitive business information
43-7/4-2	9	Cols A-C, H-N, 398, 400-403, 407-408, 410-411, 415-416, 422-424, 427-433, 441, 443-444	Sensitive competitive business information
43-7/4-2	10	Cols A-C, H-N, 446-450, 452, 456, 458-459, 461, 466, 469, 471-472, 474, 477-479, 483, 485, 489-	Sensitive competitive business information

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43-7/4-3	2	Cols A-C, H-N, 47-51, 57, 61, 63, 67-68, 70, 72-74, 77-80, 82-84, 86, 90-92, 94, 97	Sensitive competitive business information
43-7/4-3	3	Cols A-C, H-N, 99, 104, 106, 109-112, 114, 118, 123-132, 139-144	Sensitive competitive business information
43-7/4-3	4	Cols A-C, H-N, 147, 149, 152, 154-155, 158-161, 163-164, 166, 170, 172, 174-175, 181, 183-184, 190, 194	Sensitive competitive business information
43-7/4-3	5	Cols A-C, H-N, 197, 199, 204, 207, 209, 211, 213, 216-220, 223-226, 228-229, 233, 236, 244, 248	Sensitive competitive business information
43-7/4-3	6	Cols A-C, H-N, 251-252, 255-258, 262, 265, 267-269, 271-272, 275-277, 281-282, 287-288, 290, 292, 294, 296	Sensitive competitive business information
43-7/4-3	7	Cols A-C, H-N, 298, 300-301, 305-307, 310-311, 316, 319-322, 324-328, 330, 334, 337-338, 343-344	Sensitive competitive business information
43-7/4-3	8	Cols A-C, H-N, 347, 351-356, 364, 369-370, 373, 376, 381, 384-385, 387-389, 391, 393-395, 397-398	Sensitive competitive business information

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43-7/4-3	10	Cols A-C, H-N, 450, 452-456, 461-462, 465-466, 475-476, 480, 482-484	Sensitive competitive business information
43-7/4-4	1	Cols A-C, H-N, 2, 9-10, 12, 14-15, 17-20, 24, 27, 29, 31, 33, 36, 40, 45	Sensitive competitive business information
43-7/4-4	2	Cols A-C, H-N, 48, 52, 54, 56-58, 60-61, 67, 69, 71, 73, 75-76, 84, 86-88	Sensitive competitive business information
43-7/4-4	3	Cols A-C, H-N, 89-92, 94-95, 98-99, 101, 104, 108-111, 115-118, 124, 127-129, 133-134	Sensitive competitive business information
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43-7/4-4	5	Cols A-C, H-N, 183, 186, 188-190, 193-194, 196-198, 201-205, 207-209, 212, 214, 219, 222-223	Sensitive competitive business information
43-7/4-4	6	Cols A-C, H-N, 226-233, 236-237, 239, 241-242, 244, 248, 250-251, 253-255, 257, 262, 264-265	Sensitive competitive business information
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43-7/4-4	10	Cols A-C, H-N, 401- 402, 404-405, 407, 409, 411, 415, 418- 419, 425, 432-434, 439, 441-443, 445- 446	Sensitive competitive business information
43-7/4-4	11	Cols A-C, H-N, 448, 450, 454-455, 457, 463, 468-469, 477, 480, 482	Sensitive competitive business information
43-7/4-5	1	Cols A-C, H-N, 1, 6- 10, 13-14, 17, 20, 25, 27-30, 32, 34, 36, 40, 42, 46	Sensitive competitive business information
43-7/4-5	2	Cols A-C, H-N, 1, 47, 49-51, 56-57, 59, 61, 63-65, 70, 72-73, 76-78, 81, 84-86, 90- 91	Sensitive competitive business information
43-7/4-5	3	Cols A-C, H-N, 1, 92, 94, 97-101, 104- 105, 107, 109, 111, 113-116, 119, 121, 126, 130-131, 136- 138	Sensitive competitive business information
43-7/4-5	4	Cols A-C, H-N, 1, 140-143, 145-146, 148, 151-154, 157, 161-162, 166, 171, 173, 175, 178-181, 183, 185-187	Sensitive competitive business information

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43-7/4-5	6	Cols A-C, H-N, 1, 241-243, 245, 247-248, 251, 255, 257, 261, 264-265, 268-269, 272-275, 277-283	Sensitive competitive business information
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43-7/4-5	10	Cols A-C, H-N, 1, 434, 437, 443, 446-448, 452, 456, 467-470, 473-474	Sensitive competitive business information
43-7/4-5	11	Cols A-C, H-N, 1, 476, 479-480	Sensitive competitive business information
43-7/4-6	1	Cols A-C, H-N, 4, 6, 8, 10, 12, 14-15, 19, 26-27, 29, 32, 35, 37, 45-50	Sensitive competitive business information
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43-7/4-7	3	Cols A-C, H-N, 101, 103-105, 108-109, 111-112, 116-117, 121, 124, 130, 133, 135, 138, 140-141, 144	Sensitive competitive business information
43-7/4-7	4	Cols A-C, H-N, 150, 152-154, 157, 159-164, 166, 170-172, 174-176, 182, 185-187, 189-190	Sensitive competitive business information
43-7/4-7	5	Cols A-C, H-N, 198-200, 203, 210, 213, 216, 218, 222-226, 234, 239, 241	Sensitive competitive business information
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43-7/4-7	7	Cols A-C, H-N, 290, 294, 298-299, 301, 304, 306-307, 311-312, 314-319, 321-323, 326, 328, 330-331, 335	Sensitive competitive business information
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43-7/4-7	10	Cols A-C, H-N, 438, 440, 445, 447, 450- 454, 456-457, 459- 460, 464	Sensitive competitive business information
43-7/4-8	1	Cols A-C, H-N, 2, 4, 9-11, 13-14, 17, 22, 24-26, 30-34, 38-39, 42-45	Sensitive competitive business information
43-7/4-8	2	Cols A-C, H-N, 48, 52, 58-61, 63-70, 73- 76, 78, 83, 86, 88	Sensitive competitive business information
43-7/4-8	3	Cols A-C, H-N, 89, 92-93, 97, 100, 106- 108, 110, 112, 114, 116-118, 124, 126, 130	Sensitive competitive business information
43-7/4-8	4	Cols A-C, H-N, 137, 140, 143, 146-148, 153-154, 156-158, 161-162, 164, 170, 172, 176-177	Sensitive competitive business information
43-7/4-8	5	Cols A-C, H-N, 189, 191, 193-194, 200, 202-204, 206, 208- 210, 212-215, 219, 221	Sensitive competitive business information
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43-7/4-8	9	Cols A-C, H-N, 374- 375, 381-387, 392- 393, 395, 397-400, 404-405, 407-408, 412-413	Sensitive competitive business information
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43-7/6-1	2	Cols A-C, H-M, 1-5, 8-9, 11-13, 16-17, 20- 21, 25-27, 29-31, 33	Sensitive competitive business information
43-7/6-1	3	Cols A-C, H-M, 1, 3, 5-7, 10-12, 14, 16, 18, 20-23, 25-26, 28, 32, 34-35	Sensitive competitive business information
43-7/6-1	4	Cols A-C, H-M, 1, 4, 7-13, 15-16, 18-21, 24-26, 28, 32, 34-36	Sensitive competitive business information
43-7/6-1	5	Cols A-C, H-M, 1, 3, 6-7, 9-10, 12, 14-17,	Sensitive competitive business information

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43-7/6-1	7	Cols A-C, H-M, 1-7, 10-11, 14, 16-17, 19-21, 24, 28, 31-33, 37	Sensitive competitive business information
43-7/6-2	1-7	1-4	Sensitive competitive business information
43-7/6-3	1	2-4	Sensitive competitive business information
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45-2/3	3	Cols C-E, 3-6, 10-12, 14-15, 19, 21-23	Sensitive competitive business information
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Documents 05980-07 and 06583-07			
45-2/5	2	Cols C-E, All Lines	Sensitive competitive business information

Upon review, it appears that the above-referenced information satisfies the criteria set forth in Section 366.093(3)(b) and (e), F.S. The information contains internal auditing controls and customer specific information, the disclosure of which would be detrimental to the interests of FPL's customers. Therefore, confidential classification for Document Nos. 05980-07 and 06583-07 is granted.

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 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 information continues to contain proprietary confidential business information.

Based on the foregoing, it is

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that Florida Power & Light Company's request for confidential classification of Document Nos. 05980-07 and 06583-07 is hereby granted as set forth herein. It is further

ORDERED that the information for which confidential classification has been requested will be granted confidential classification for a period of 18 months from the date of the issuance of this Order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 28th day of July, 2011.



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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.