

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidentiality of selected staff workpapers related to the review of Florida Power & Light Company's internal audit function.

DOCKET NO. 20160057-EI
ORDER NO. PSC-2019-0394-CFO-EI
ISSUED: September 23, 2019

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S SECOND REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION (DOCUMENT NO. 01306-2016)

On July 8, 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 its Second Request for Extension of Confidential Classification (Request) of materials filed pursuant to Commission Staff's Audit Report No. PA-15-10-006. Specifically, FPL seeks extended confidential classification of Document No. 01306-2016, which was granted confidential classification by Order No. PSC-2016-0152-CFO-EI, issued on April 19, 2016, and Order No. PSC-2018-0029-CFO-EI, issued on January 9, 2018.

Request for Confidential Classification

FPL asserts that all of the information that was the subject of Order No. PSC-2016-0152-CFO-EI and Order No. PSC-2018-0029-CFO-EI warrants continued treatment as proprietary confidential business information. FPL contends that Document No. 01306-2016 contains information relating to internal auditing controls and reports of internal auditors, which constitutes protected information that is exempt from disclosure under Section 366.093(3)(b), F.S. In addition, FPL asserts Document No. 01306-2016 contains information concerning competitive interests, the disclosure of which could impair the competitive business of FPL and its vendors. FPL asserts this information is protected and is exempt from disclosure under 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:

- (b) Internal auditing controls and reports of internal auditors, and

(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 that the information described above satisfies the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information. The information appears to concern internal auditing controls and reports of internal auditors, which constitutes protected information that is exempt from disclosure under Section 366.093(3)(b), F.S. Additionally, Document No. 01306-2016 contains information under Section 366.093(3)(e), F.S., 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. 01306-2016 shall be granted continued 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

ORDERED by Commissioner Gary F. Clark, as Prehearing Officer, that FPL's Second Request for Extension of Confidential Classification of the information contained in Document No. 01306-2016 is granted, as set forth herein. It is further

ORDERED that the information in Document Number 01306-2016, for which confidential classification has been granted, shall remain protected from disclosure for a period of eighteen (18) months from the date 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 Gary F. Clark, as Prehearing Officer, this 23rd day of September, 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.

AEH

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.