

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental cost recovery clause.

DOCKET NO. 20210007-EI
ORDER NO. PSC-2021-0439-CFO-EI
ISSUED: November 23, 2021

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
(DOCUMENT NOS. 12478-2021 AND X-REF DN 03969-2018)

On October 29, 2021, 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" or "Company") filed its First Request for Extension of Confidential Classification ("Request") of materials provided pursuant to Audit No. 2018-036-4-1. Specifically, FPL seeks extended classification of Document Nos. 12478-2021 and x-ref DN 03969-2018.

Request for Extended Confidential Classification

In its Request, FPL states that the period of confidential classification granted by Order No. PSC-2018-0525-CFO-EI issued on November 2, 2018, would soon expire and that the information covered by that Order warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093, F.S. FPL states that the information for which it seeks confidential classification remains "proprietary confidential business information" within the meaning of Paragraph 366.093(3)(d), F.S., as it is information relating to bids or contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. Furthermore, FPL states that the information contains competitively sensitive information related to certain employees' compensation within the meaning of Paragraph 366.093(3)(e), F.S., and that the release of this information would be detrimental to FPL and its customers. FPL states that this information is intended to be and has been treated as confidential by the Company.

Ruling

Upon review, it appears that the information, which was the subject of Order No. PSC-2018-0525-CFO-EI continues to be proprietary confidential business information within the meaning of Section 366.093, F.S., to the same extent confidentiality was granted by the Commission's prior order. The identified information contained in Document Nos. 12478-2021 and x-ref DN 03969-2018 qualifies as proprietary confidential business information pursuant to Paragraphs 366.093(3)(d) and (e), F.S., since it relates to bids or contractual data and employees' compensation. Accordingly, FPL's request for extension of confidential treatment of identified information contained in Document Nos. 12478-2021 and x-ref DN 03969-2018 shall be granted.

Pursuant to Subsection 366.093(4), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of 36 months

from the date of this Order. At the conclusion of the 36 month period, the confidential information will no longer be exempt from Subsection 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 Andrew Giles Fay, as Prehearing Officer, that Florida Power & Light Company's First Request for Extended Confidential Classification of information contained in Document Nos. 12478-2021 and x-ref DN 03969-2018 is granted. It is further

ORDERED that the information in Document Nos. 12478-2021 and x-ref DN 03969-2018 for which confidential classification has been granted shall remain protected from disclosure for a period of 36 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.

By ORDER of Commissioner Andrew Giles Fay, as Prehearing Officer, this 23rd day of November, 2021.



ANDREW GILES FAY
Commissioner and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Subsection 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.