

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 20250001-EI
ORDER NO. PSC-2025-0247-CFO-EI
ISSUED: June 25, 2025

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S
SECOND REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 02642-2021)

On April 18, 2025, 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 Confidential Classification (Request) of its response to the Office of Public Counsel's (OPC) First Production of Documents Request No. 2 (Document No. 02642-2021). This material was originally granted confidentiality by Order No. PSC-2022-0020-CFO-EI, issued January 12, 2022. Confidential classification was extended by Order No. PSC-2023-0312-CFO-EI, issued October 19, 2023.

Request for Confidential Classification

FPL contends that the information contained in OPC's First Production of Documents Request No. 2 continues to constitute proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. FPL asserts that this information is intended to be and is treated by FPL as private and has not been publicly disclosed.

The information contained in OPC's First Production of Documents Request No. 2 relates to claimed proprietary and confidential technical information regarding a third party's (to FPL) analysis of electric plant equipment failure. FPL asserts that if it cannot demonstrate to its third-party partners that the Company has the ability to protect those third-parties' confidential and proprietary business information, it will be less likely that FPL can secure contracts that benefit its customers. For these reasons, FPL argues that this information is protected by Section 366.093(3)(e), F.S.

Ruling

Section 366.093(1), F.S., provides that records the Florida Public Service Commission (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:

- (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 information and data provided in FPL's Request continues to satisfy the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information. The information relating to FPL's contracts with third parties appear to be "information 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. 02642-2021 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 unless good cause is shown that protection from disclosure shall be for a specified longer period. FPL has requested that this information be protected for a period of 36 months. In support of its request, FPL argues that if it cannot demonstrate to its third-party partners that the Company has the ability to protect those third-parties' confidential and proprietary business information, it will be less likely that FPL can secure contracts that benefit its customers. Given the nature of the material, and FPL's stated concerns about releasing third-party information, this material shall be granted confidentiality for a period of 36 months from the date of this Order.

Based on the foregoing, it is hereby

ORDERED by Commissioner Gabriella Passidomo Smith, as Prehearing Officer, that Florida Power & Light Company's Second Request for Extension of Confidential Classification of Document No. 02642-2021 is granted. It is further

ORDERED that the information in Document No. 02642-2021, 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. At the conclusion of the 36-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless Florida Power & Light Company or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information. 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 Gabriella Passidomo Smith, as Prehearing Officer, this 25th day of June, 2025.



Gabriella Passidomo Smith
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.

RPS

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.