

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear cost recovery clause.

DOCKET NO. 20170009-EI  
ORDER NO. PSC-2017-0302-CFO-EI  
ISSUED: August 2, 2017

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S FIRST REQUEST FOR  
EXTENSION OF CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED  
PURSUANT TO AUDIT CONTROL NO. 15-005-4-1 (DOCUMENT NO. (04142-15 [x. ref  
DN. 03639-15])

On April 13, 2017, 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 First Request for Extension of Confidential Classification (request) of certain information provided pursuant to Audit Control No. 15-005-4-1 (audit workpapers) (Document No. 04142-15 [x. ref DN. 03639-15]). This Request was filed in Docket No. 20170009-EI.

Request for Confidential Classification

FPL's original request for confidential classification the audit workpapers was granted by Order No. PSC-15-0458-CFO-EI, issued October 13, 2015. FPL states that the period of confidential classification is due to expire soon. FPL asserts that the confidential information is intended to be and has been treated by FPL as private and confidential. FPL further affirms that the information granted confidential classification within Order No. PSC-15-0458-CFO-EI remains confidential, and nothing has changed since its issuance to render the confidential information stale or public such that continued confidential treatment would not be appropriate.

FPL's request incorporates by reference and adopts the arguments propounded in its original request and includes Revised Exhibit C and Revised Exhibit D. Revised Exhibit C is a table containing specific line, column, and page references to the confidential information and references to the specific statutory basis for the claim of confidentiality. Revised Exhibit D contains the affidavit of Brenda Thompson and Antonio Maceo in support of FPL's request.

FPL contends that the audit workpapers contain information related to reports of internal auditors and information related to bids or contractual data, such as pricing terms, and competitively sensitive information that, if publicly disclosed, could impair FPL ability to contract for goods and services on favorable terms in the future. FPL further asserts that the audit workpapers contain competitively sensitive information related to certain employees' compensation, that if disclosed, would enable competing employers to meet or beat the compensation currently offered, resulting in the loss of talented employees, or conversely the need to increase the level of compensation already paid in order to retain these employees and attract new talent. Therefore, FPL argues, this information should be protected pursuant to Sections 366.093(3)(b), (d), and (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:

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

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 described above and in Revised Exhibit C, attached to FPL's request, appears to be information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms, and information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. The information also appears to contain information related to internal auditing control and reports of internal auditors; thus, the information identified in Document No. 04142-15 (x. ref DN. 03639-15) shall be granted 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 hereby

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that Florida Power & Light Company's First Request for Extension of Confidential Classification of Document No. 04142-15 (x. ref DN. 03639-15) is granted. It is further

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ORDERED that the information in Document No. 04142-15 (x. ref DN. 03639-15), 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 Ronald A. Brisé, as Prehearing Officer, this 2nd day of August, 2017.



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RONALD A. BRISÉ

Commissioner and Prehearing Officer  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
[www.floridapsc.com](http://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.

KRM

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.