

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Florida Power & Light
Company's Sunshine Energy Program.

DOCKET NO. 070626-EI
ORDER NO. PSC-09-0266-CFO-EI
ISSUED: April 27, 2009

ORDER GRANTING CONFIDENTIAL CLASSIFICATION FOR CERTAIN MATERIALS
OBTAINED DURING THE AUDIT (AUDIT NO. 08-086-4-1) OF
GREEN MOUNTAIN ENERGY COMPANY
(DOCUMENT NOS. 08331-08, 09050-08, AND 09334-08)

On September 25, 2008, and October 2, 2008, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Green Mountain Energy Company (Green Mountain) filed a request for confidential classification of certain materials provided pursuant to staff's "Green Mountain Energy Review of Sunshine Energy Program Costs for the Twelve Months Ended July 31, 2008." Document Nos. 08331-08, 09050-08, and 09334-08 are currently held by the Commission's Office of Commission Clerk as confidential pending resolution of Green Mountain's request for confidential classification. Green Mountain asserts that the confidential information in the documents is intended to be proprietary, is treated as proprietary, and has not been publicly disclosed. Green Mountain 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 that 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:

- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

Green Mountain asserts that the information for which it seeks confidential status consists of sensitive business operations, negotiations, and contracts Green Mountain has with other parties. Green Mountain asserts that this information has not been publicly disclosed. Green Mountain contends that the information for which it is requesting confidential classification is entitled to that classification pursuant to Section 366.093(3)(e), F.S., as proprietary confidential business information, the disclosure of which would impair the company's competitive interests or harm the business operations of Green Mountain.

Green Mountain requests confidential classification for the following information:

DOCUMENT NUMBER-DATE

03913 APR 27 09

FPSC-COMMISSION CLERK

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Document Nos. 08331-08 and 09050-08			
12	1	Cols. B-H , Lines 2-15	Sensitive Competitive Business Information
12-1	2	Cols. B-D	Sensitive Competitive Business Information
12-2	1	All Columns except Column A	Sensitive Competitive Business Information
12-3	1	All Lines except line 1; All Columns except line 2 of headings line	Sensitive Competitive Business Information
43	1-3	Cols. B, D-G, I-J	Sensitive Competitive Business Information
43	4	Cols. B, D-G, I-J; Lines 28-43	Sensitive Competitive Business Information
43	5	All	Sensitive Competitive Business Information
43-1	1	Cols B-C, E-F	Sensitive Competitive Business Information
Document Nos. 08331-08 and 09334-08			
43-1	2-3	All	Sensitive Competitive Business Information
Document Nos. 08331-08 and 09050-08			
43-2	1	Cols. B, G; Lines 21-25	Sensitive Competitive Business Information

Upon review, it appears that the above-referenced information satisfies the criteria set forth in Section 366.093(3)(e), F.S. The information contains sensitive business operations, negotiations, and contracts, the disclosure of which would impair the company's competitive interests or harm the business operations of Green Mountain. Therefore, confidential classification for Document Nos.08331-08, 09050-08, and 09334-08 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 Green Mountain or another affected person shows, and the Commission finds, that the information continues to contain proprietary confidential business information.

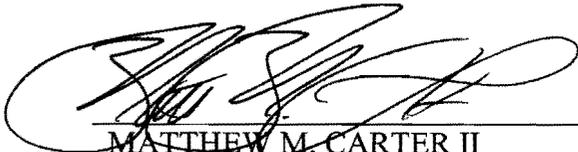
Based on the foregoing, it is

ORDERED by Commissioner Matthew M. Carter II, as Presiding Officer, that Green Mountain Energy Company's request for confidential classification of portions of Document Nos. 08331-08, 09050-08, and 09334-08 is granted. 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 Chairman Matthew M. Carter II, as Presiding Officer, this 27th day of April, 2009.



MATTHEW M. CARTER II
Chairman and Presiding Officer

(S E A L)

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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

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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.