

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-09-0267-CFO-EI  
ISSUED: April 27, 2009

ORDER GRANTING CONFIDENTIAL CLASSIFICATION FOR CERTAIN MATERIALS  
OBTAINED DURING THE SUNSHINE ENERGY PROGRAM AUDIT  
(AUDIT NO. 08-086-4-1) OF FLORIDA POWER & LIGHT COMPANY  
(DOCUMENT NOS. 04610-08, 04611-08, 04612-08, 04613-08, 05263-08,  
05621-08 (EXHIBIT A, PART 4 OF 4), AND 05633-08 (EXHIBIT A, PART 3 OF 3))

On June 19, 2008, 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 request for confidential classification of certain materials provided pursuant to staff's "FPL Sunshine Energy Program Audit for the Year Ended December 31, 2007." On June 27, 2008, after discussions with staff FPL amended its request for confidential classification. On June 30, 2008, FPL amended its request a second time. On October 23, 2008, FPL again amended its request for confidential classification. Document Nos. 04610-08, 04611-08, 04612-08, 04613-08, 05263-08, 05621-08 (Exhibit A, Part 4 of 4), and 05633-08 (Exhibit A, Part 3 of 3) are currently held by the Commission's Office of Commission Clerk as confidential pending resolution of FPL's request for confidential classification. FPL asserts that the confidential information in the documents is intended to be proprietary, is treated as proprietary, and has not been publicly disclosed. FPL 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:

- (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.

FPL asserts that the information for which it seeks confidential status consists of bids or contractual data of Sterling Plant, Green Mountain, and FPL. FPL asserts that this information

DOCUMENT NUMBER-DATE

03914 APR 27 09

FPSC-COMMISSION CLERK

has not been publicly disclosed. FPL contends that the information for which it is requesting confidential classification is entitled to that classification pursuant to Section 366.093(3)(d) and (e), F.S., as proprietary confidential business information, the disclosure of which would impair the company's ability to contract for the sale of goods and services on favorable terms and at favorable prices, to the detriment of its ratepayers.

FPL requests confidential classification for the information listed in the following table:

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
<b>Document Nos. 04613-08 and 05263-08</b>			
Report	8	28, 30, 32, 37-38	Sensitive Competitive Business Information
Report	9	1-2, 13-18	Sensitive Competitive Business Information
<b>Document Nos. 04610-08 and 05263-08</b>			
1	8	28, 30, 32, 37-38	Sensitive Competitive Business Information
1	9	1-2, 13-18	Sensitive Competitive Business Information
5-7	1	3, 5, 11-19	Sensitive Contractual and Competitive Business Information
5-7	2	7, chart	Sensitive Contractual and Competitive Business Information
<b>Document Nos. 04610-08, 05263-08, 05621-08 (Exhibit A, Part 4 of 4) and 05633-08 (Exhibit A, Part 3 of 3)</b>			
5-7	10	10	Sensitive Contractual and Competitive Business Information
<b>Document Nos. 04610-08 and 05263-08</b>			
5-7	12-26	All	Sensitive Contractual and Competitive Business Information
43-1	2	Cols. A-D	Sensitive Competitive Business Information
<b>Document Nos. 04610-08, 05263-08, 05621-08 (Exhibit A, Part 4 of 4)</b>			
43-1/1-1	1	21, 34, 38	Sensitive Competitive Business Information
<b>Document Nos. 04610-08 and 05263-08</b>			
43-1/1-1/1	1	5-9	Sensitive Contractual Information
43-1/1-1/2	1-2	Cols. A-C	Sensitive Contractual Information
43-1/1-1/2	3-5	All	Sensitive Contractual Information
43-1/1-1/3	1-42	All	Sensitive Competitive Business Information
43-1/1-1/3-1	1-7	All	Sensitive Competitive Business Information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
<b>Document Nos. 04610-08, 05263-08, 05621-08 (Exhibit A, Part 4 of 4)</b>			
43-1/1-2	2	12-13	Sensitive Competitive Business Information
<b>Document Nos. 04610-08 and 05263-08</b>			
43-1/1-2	3-4	All	Sensitive Competitive Business Information
<b>Document Nos. 04611-08, 05263-08, 05621-08 (Exhibit A, Part 4 of 4)</b>			
44, Page 2	1	1, 14-15	Sensitive Contractual and Competitive Business Information
44-1	11	36	Sensitive Contractual and Competitive Business Information
44-1	16	21	Sensitive Contractual and Competitive Business Information
44-1	21	25-27	Sensitive Contractual and Competitive Business Information
44-1	22	7-10, 39-42	Sensitive Contractual and Competitive Business Information
44-1	23	1	Sensitive Contractual and Competitive Business Information
<b>Document Nos. 04611-08 and 05263-08</b>			
44-2	1-14	All	Sensitive Contractual and Competitive Business Information
45	2-3	Cols. A, C-D, F	Sensitive Contractual and Competitive Business Information
45-1	2-205	All	Sensitive Competitive Business Information
47-1	1-3	All	Sensitive Competitive Business Information
47-1	4	3-5	Sensitive Competitive Business Information
47-1	5	Chart	Sensitive Competitive Business Information
47-1	6	4-5, 7-10, 12-14	Sensitive Competitive Business Information
47-1	7	4-12	Sensitive Competitive Business Information
47-1	8	4-13	Sensitive Competitive Business Information
47-1	9	2-5, 7-13	Sensitive Competitive Business Information
47-1	10	3-16	Sensitive Competitive Business Information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Document Nos. 04611-08 and 05263-08			
47-1	11	2-4; Chart	Sensitive Competitive Business Information
47-1	14	5-11	Sensitive Competitive Business Information
47-1	16	Chart	Sensitive Competitive Business Information
47-1	17	Chart	Sensitive Competitive Business Information
47-1	20	3-11	Sensitive Competitive Business Information
47-1	23	4-5, 7-12	Sensitive Competitive Business Information
47-1	24	3, 5-11	Sensitive Competitive Business Information
47-1	25	3, 5-9	Sensitive Competitive Business Information
47-1	26	3, 5-11	Sensitive Competitive Business Information
47-1	27	3-5	Sensitive Competitive Business Information
47-1	30	2-7	Sensitive Competitive Business Information
47-1	31	2, 7-8, 11-12	Sensitive Competitive Business Information
47-1	33	All	Sensitive Competitive Business Information
47-2	1	4	Sensitive Competitive Business Information
47-2	2-14	All	Sensitive Competitive Business Information
47-3	1	3-4	Sensitive Competitive Business Information
47-3	2-13	All	Sensitive Competitive Business Information
47-4	1-2	3-5	Sensitive Competitive Business Information
47-4	3-13	All	Sensitive Competitive Business Information
47-5	1-2	All	Sensitive Competitive Business Information
47-6	1-2	All	Sensitive Competitive Business Information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
<b>Document Nos. 04611-08 and 05263-08</b>			
47-7	2	Cols. A-H	Sensitive Competitive Business Information
47-8	1	A-J	Sensitive Competitive Business Information
47-9	1-2	All	Sensitive Competitive Business Information
47-10	1	Cols. A-C	Sensitive Competitive Business Information
47-10	2	Cols. A-B, D-H	Sensitive Competitive Business Information
47-10	3	Cols. A-G	Sensitive Competitive Business Information
<b>Document Nos. 04612-08 and 05263-08</b>			
48A	1	9	Sensitive Contractual Information
48	1-2	Cols. A,E	Sensitive Contractual Information
49	1	All	Sensitive Contractual Information
49-1/1	4	All	Sensitive Contractual Information
49-1/2	5-15	All	Sensitive Contractual and Competitive Business Information
<b>Document Nos. 04612-08, 05263-08, 05621-08 (Exhibit A, Part 4 of 4)</b>			
49-2	1	6	Sensitive Contractual Information
<b>Document Nos. 04612-08 and 05263-08</b>			
49-2/3	1-5	All	Sensitive Competitive Business Information
49-2/4	1-96	All	Sensitive Competitive Business Information
52	1	All	Sensitive Contractual Information
52-1	1	All	Sensitive Contractual Information
52-2	1-25	All	Sensitive Competitive Business Information
52-3	1-24	All	Sensitive Competitive Business Information
52-4	1-18	All	Sensitive Competitive Business Information
52-5	1-21	All	Sensitive Competitive Business Information
52-6	1-5	All	Sensitive Competitive Business Information
52-7	1-11	All	Sensitive Competitive Business Information
52-8	1-10	All	Sensitive Competitive Business Information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Document Nos. 04612-08 and 05263-08			
52-9	1-17	All	Sensitive Competitive Business Information
52-10	1-24	All	Sensitive Competitive Business Information

Upon review, it appears that the above-referenced information satisfies the criteria set forth in Section 366.093(3)(d) and (e), F.S. The information contains competitive business information, the disclosure of which would impair the company's ability to contract for the sale of goods and services on favorable terms and impair the competitive interests of its customers. Therefore, confidential classification for Documents Nos. 04610-08, 04611-08, 04612-08, 04613-08, 05263-08, 05621-08 (Exhibit A, Part 4 of 4) and 05633-08 (Exhibit A, Part 3 of 3) 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 FPL or another affected person shows, and the Commission finds, that the information continues to contain proprietary confidential business information.

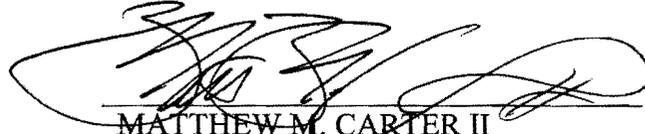
Based on the foregoing, it is

ORDERED by Commissioner Matthew M. Carter II, as Presiding Officer, that Florida Power & Light Company's request for confidential classification of portions of Document Nos. 04610-08, 04611-08, 04612-08, 04613-08, 05263-08, 05621-08 (Exhibit A, Part 4 of 4) and 05633-08 (Exhibit A, Part 3 of 3) 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 27<sup>th</sup> day of April, 2009.



MATTHEW M. CARTER II  
Chairman and Presiding Officer

(SEAL)

KEF

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.