

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 090001-EI  
ORDER NO. PSC-09-0304-CFO-EI  
ISSUED: May 7, 2009

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
(DOCUMENT NO. 10865-08)

On November 21, 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 Exhibit No. 58, an independent, third-party evaluation of the safety conscious work environment at FPL's Turkey Point nuclear plant (Document No. 10865-08). This request was filed in Docket No. 080001-EI.

Request for Confidential Classification

Section 366.093(1), F.S., provides that "any records received by the commission which are shown and found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from Section 119.07(1) [the 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. Paragraph (c) of Section 366.093(3), F.S., provides that proprietary confidential business information includes, but is not limited to "[s]ecurity measures, systems, or procedures."

FPL contends that the information contained in Exhibit No. 58, as more specifically described in the table in Attachment A, falls within the ambit of Section 366.093(3)(c), F.S., and, thus, constitutes proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. FPL states that this information is intended to be and is treated by FPL as private and has not been publicly disclosed.

FPL specifically contends that the information in Exhibit No. 58 relates to security at FPL's Turkey Point nuclear power plant. FPL asserts that, if made public, it would disclose certain details about its security measures, systems, or procedures to the detriment of FPL, its customers, and the general public.

Ruling

Upon review, it appears the above-referenced information satisfies the criteria set forth in Section 366.093(3)(c), F.S., for classification as proprietary confidential business information. The information constitutes "[s]ecurity measures, systems, or procedures" within the meaning of

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Section 366.093(3)(c), F.S. Thus, the information identified in Document No. 10865-08 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 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.

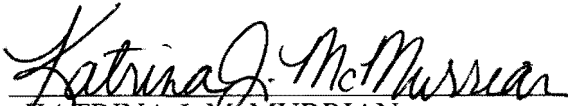
Based on the foregoing, it is

ORDERED by Commissioner Katrina J. McMurrian, as Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification of Document No. 10865-08 is granted. It is further

ORDERED that the information in Document No. 10865-08 for which confidential classification has been granted shall remain protected from disclosure for a period of 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 Katrina J. McMurrian, as Prehearing Officer, this  
7th day of May, 2009.

  
KATRINA J. McMURRIAN  
Commissioner and Prehearing Officer

( S E A L )

ELS

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 25-22.060, 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.

Attachment A

DOCUMENT DESCRIPTION	PAGE
Nuclear Regulatory Commission – Request for Additional Information	FCR 08-10988 through FCR 08-10989
FPL’S Response to Request for Additional Information	FCR 08-10990 through FCR 08-10991
Talisman Report	FCR 08-10992 through FCR 08-11030