



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: October 4, 2012 **AMENDED**

TO: Keino Young, Senior Attorney, Office of the General Counsel

FROM: Betty L. Gardner, Regulatory Analyst III, Division of Accounting & Finance

RE: Florida Power & Light Company-Docket No. 120015-EI-Confidentiality Request

RECEIVED-FPSC
12 OCT-4 AM 10:19
COMMISSION CLERK

On September 27, 2012, pursuant to Section 366.093, Florida Statutes (F.S.), Florida Power and Light Company (FPL) filed a request for confidential classification with respect to the highlighted information contained in Document Number 06494-12 **and Document Number 06386-12**; Issue 30 Excerpts from the Office of Public Council (OPC) Post-hearing Brief filed September 21, 2012; FPL's Request for Documents produced which includes Exhibit A-copy of confidential documents; Exhibit B (two copies)-copy of the confidential document-redacted; Exhibit C- a justification table that supports FPL's request by specific line, page or cell references of confidential information; Exhibit D-affidavit in support of FPL's request; and a compact disc in word format containing the Request for Confidential Classification and Exhibit C. FPL states that the information contained in these documents should be classified as proprietary, confidential business information pursuant to Section 366.093(3)(d) and (e), F.S.

FPL requests confidentiality under Subsection 366.093(3)(d) and (e) F.S., which states:

(3) Proprietary confidential business information means information, regardless of form or characteristic, which is owned or controlled by the person or company, is intended to be and treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. Proprietary confidential business information includes, but is not limited to:

- (a) Trade Secrets
- (b) Internal auditing controls and reports of internal auditors.
- (c) Security measures, systems, or procedures.
- (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.

DOCUMENT NUMBER-DATE

06728 OCT-4 12

FPSC-COMMISSION CLERK

Keino Young Memorandum

Page 2

October 4, 2012

- (f) Employees personnel information unrelated to compensation, duties, qualifications, or responsibilities.

Upon review of the aforementioned documents, staff concurs with FPL that the highlighted information contained in Document No. 06494-12 **and 06386-12** meets the requirements for confidential classification pursuant to Section 366.093(3)(d) and (e), F.S. Accordingly, this information should be treated as confidential.

cc: Office of Commission Clerk



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

AMENDED -M-E-M-O-R-A-N-D-U-M-

DATE: October 4, 2012

TO: Division of Accounting and Finance, Office of Primary Responsibility

FROM: OFFICE OF COMMISSION CLERK

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCKET NO(s): 120015-EI DOCUMENT NO(s): 06494-12

DESCRIPTION: FPL (White) - (CONFIDENTIAL) Certain information included in the Issue 30 excerpt from OPC's post-hearing brief filed 9/21/12. [x-ref. DN 06386-12 is OPC's filing of same information]

SOURCE: Florida Power & Light Company

The above confidential material was filed along with a request for confidential classification. Please complete the following form by checking all applicable information and forward it to the attorney assigned to the docket, along with a brief memorandum supporting your recommendation.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
 - (a) Trade secrets;
 - (b) Internal auditing controls and reports of internal auditors;
 - (c) Security measures, systems, or procedures;
 - (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company to contract for services on favorable terms;
 - (e) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
 - (f) Tax returns or tax-related information;
 - (g) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.
- The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
- The material appears not to be confidential in nature.
- The material is a periodic or recurring filing and each filing contains confidential information.

This response was prepared by Betty Gardner on 10/4/12, a copy of which has been sent to the Office of Commission Clerk and the Office of General Counsel.