

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery
clause.

DOCKET NO. 160002-EG
ORDER NO. PSC-16-0464-CFO-EG
ISSUED: October 14, 2016

ORDER GRANTING CONFIDENTIAL CLASSIFICATION
FOR AUDIT WORKPAPERS DOCUMENT NO. 04444-16

On July 11, 2016, pursuant to section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power and Light Company (FPL) filed a request for confidential classification of certain materials provided pursuant to staff's Audit Control No. 16-019-4-1. Document No. 04444-16, cross-reference Document No. 03932-16, is currently held by the Commission's Office of the 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), Florida Statutes.

Section 366.093(1), Florida Statutes, 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, Florida Statutes, Florida's Public Records Act. Section 366.093(3), Florida Statutes, 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), Florida Statutes, provides that proprietary confidential business information includes:

- (d) Internal auditing controls and reports of internal auditors.
- (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 certain documents containing information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. Certain information in these documents concern FPL's competitive interests, the disclosure of which would impair the competitive business of FPL and its vendors. 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), Florida Statutes, as proprietary confidential business information.

Upon review, it appears that the above-referenced information satisfies the criteria set forth in Section 366.093(3)(d), and (e), Florida Statutes. The information consists of certain documents containing information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. Certain information in these documents concern FPL's competitive interests, the disclosure of which would impair the competitive business of FPL and its vendors. Therefore, I grant confidential classification for Documents Nos. 04444-16 and 03932-16.

Pursuant to Section 366.093(4), Florida Statutes, 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), Florida Statutes, unless FPL or another affected person shows, and the Commission finds, that the information continues to contain proprietary confidential business information.

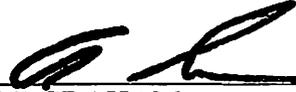
Based on the foregoing, it is

ORDERED by Commissioner Art Graham, as Prehearing Officer, that Florida Power & Light's request for confidential classification of portions of Documents Nos. 04444-16 and 03932-16 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 Commissioner Art Graham, as Prehearing Officer, this 14th day
of October, 2016.



ART GRAHAM
Commissioner and Prehearing Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

TLT/SAC

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.