

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear cost recovery clause.

DOCKET NO. 20170009-EI
ORDER NO. PSC-2017-0314-CFO-EI
ISSUED: August 7, 2017

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR
TEMPORARY PROTECTIVE ORDER (DOCUMENT NO. 04737-17)

On May 8, 2017, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006(6)(a), Florida Administrative Code (F.A.C.), Florida Power & Light Company (FPL) filed a Motion for Temporary Protective Order (Document No. 04737-17) to exempt from Section 119.07(1), F.S., certain confidential information produced in discovery to the City of Miami. Section 366.093(2), F.S., directs that all records produced pursuant to a discovery request for which proprietary confidential status is requested shall be treated by any party subject to the public records law as confidential and exempt from the public records law, Section 119.07(1), F.S. Rule 25-22.006(6), F.A.C., codifies the Florida Public Service Commission's (Commission) policy regarding the protection of confidential information from public disclosure during the discovery process in a manner that is not overly burdensome to both parties. Rule 25-22.006(6)(a) F.A.C., in pertinent part, states:

In any formal proceeding before the Commission, any utility or other person may request a protective order protecting proprietary confidential business information from discovery. Upon a showing by a utility or other person and a finding by the Commission that the material is entitled to protection, the Commission shall enter a protective order limiting discovery in the manner provided for in Rule 1.280, Florida Rules of Civil Procedure.

In addition, Rule 25-22.006(6)(b), F.A.C., states protective orders shall exempt proprietary confidential business information from Section 119.07(1), F.S., and that "such exemption shall apply whether the information is in the possession of an entity, individual, or state agency, including the Office of Public Counsel."

FPL is seeking protection of information included in its responses to the City of Miami's First Request for Production of Documents, Nos. 7, 8, and 10 (discovery responses). FPL contends that information within the discovery responses include information related to competitive interests, the disclosure of which could harm the competitive business of the provider of the information. FPL states that this includes information from other electric utilities and vendors working for those other utilities, and information from one of FPL's vendors.

FPL affirms that it has been authorized by counsel for the City of Miami to represent that Miami takes no position on this motion.

Upon consideration, FPL's Motion for Temporary Protective Order is granted. FPL has asserted that the material should be protected from disclosure pursuant to Rule 25-22.006(6)(a), F.A.C. Accordingly, this information will be protected from disclosure pursuant to Rule 25-22.006(6), F.A.C.

Based on the foregoing, it is hereby

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that Florida Power & Light Company's Motion for Temporary Protective Order is granted, pursuant to the terms and conditions set forth in this Order.

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 7th day of August, 2017.



RONALD A. BRISÉ
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.

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.