

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Florida Power & Light Company (FPL) for authority to charge FPL rates to former City of Vero Beach customers and for approval of FPL's accounting treatment for City of Vero Beach transaction.

DOCKET NO. 20170235-EI

In re: Joint petition to terminate territorial agreement, by Florida Power & Light and the City of Vero Beach.

DOCKET NO. 20170236-EU  
ORDER NO. PSC-2018-0495-CFO-EU  
ISSUED: October 5, 2018

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S  
REQUESTS FOR CONFIDENTIAL CLASSIFICATION

(DOCUMENT NOS. 05710-2018, 06252-2018, 06276-2018, 06392-2018, AND 06419-2018)

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 several Requests for Confidential Classification in Docket Nos. 20170235-EI and 20170236-EU. On August 30, 2018, FPL filed a Request for Confidential Classification of certain information provided in response to Florida Industrial Power Users Group's (FIPUG) First Set of Interrogatories (Nos. 1 and 2), and FIPUG's First Request for Production of Documents (Nos. 1 and 5). The confidential responses were filed in Docket Nos. 20170235-EI and 20170236-EU as Document No. 05710-2018.

On September 26, 2018, FPL filed a Request for Confidential Classification of certain information provided in its amended response to FIPUG's First Set of Interrogatories (No. 1). The confidential response was filed in Docket Nos. 20170235-EI and 20170236-EU as Document No. 06252-2018. On September 27, 2018, FPL filed a Request for Confidential Classification of certain information provided in its amended response to FIPUG's First Set of Interrogatories (No. 2). The confidential response was filed in Docket Nos. 20170235-EI and 20170236-EU as Document No. 06276-2018.

On October 2, 2018, FPL filed a Request for Confidential Classification of certain information provided in its response to the Office of Public Counsel's (OPC) Third Set of Interrogatories (No. 21). The confidential response was filed in Docket Nos. 20170235-EI and 20170236-EU as Document No. 06392-2018. On October 3, 2018, FPL filed a Request for Confidential Classification of certain information provided in OPC's response to FPL's First Request for Production of Documents (No. 2). The confidential response was filed in Docket Nos. 20170235-EI and 20170236-EU as Document No. 06419-2018.

Requests for Confidential Classification

FPL contends that the highlighted information contained in Document Nos. 05710-2018, 06252-2018, 06276-2018, 06392-2018, and 06419-2018, constitutes proprietary and confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. FPL asserts that this information is intended to be and is treated by FPL as private and has not been publically disclosed.

FPL contends that the highlighted information in Document Nos. 05710-2018, 06252-2018, 06276-2018, 06392-2018, and 06419-2018 relates to the competitive interests of FPL, the disclosure of which would impair the competitive business of FPL and its vendors. FPL argues that such information is entitled to confidential classification pursuant to Section 366.093(3)(e), F.S.

Ruling

Section 366.093(1), F.S., provides that records the Florida Public Service Commission (Commission) has found to contain proprietary business information shall be kept confidential and shall be exempt from Chapter 119, F.S. 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, but is not limited to:

- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

Upon review, it appears the above-referenced information satisfies the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information. The information described above and in FPL's requests appears to concern FPL's competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Thus, the information identified in Document Nos. 05710-2018, 06252-2018, 06276-2018, 06392-2018, and 06419-2018 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 up to 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 Florida Power & Light Company or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

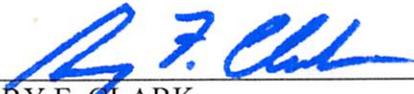
Based on the foregoing, it is hereby

ORDERED by Commissioner Gary F. Clark, as Prehearing Officer, that Florida Power & Light Company's Requests for Confidential Classification of Document Nos. 05710-2018, 06252-2018, 06276-2018, 06392-2018, and 06419-2018 are granted. It is further

ORDERED that the information in Document Nos. 05710-2018, 06252-2018, 06276-2018, 06392-2018, and 06419-2018, for which confidential classification has been granted, shall remain protected from disclosure for a period of up to 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 Florida Power & Light Company or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information. 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 Gary F. Clark, as Prehearing Officer, this 5th day of October, 2018.

  
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GARY F. CLARK  
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.

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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.