BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery | DOCKET NO. 100001-EI clause with generating performance incentive factor.

ORDER NO. PSC-10-0089-CFO-EI ISSUED: February 22, 2010

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S SECOND REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION (DOCUMENT NOS. 03798-05, 03799-05, AND 04083-05)

This Order addresses the continuation of confidential treatment for certain material Florida Power & Light Company (FPL) provided Florida Public Service Commission Staff ("staff") pursuant to Audit Control No. 05-031-4-1 (Document Nos. 03798-05, 03799-05, and 04083-05). These documents consist of selected portions of staff's working papers prepared during the "Florida Power & Light Capacity Cost Recovery Clause Audit for the Year Ended December 31, 2004." By Order No. PSC-05-0727-CFO-EI, issued July 6, 2005, in Docket No. 050001-EI, the Commission initially granted confidential classification of the documents for a period of 18 months. On January 5, 2007, pursuant to Section 366.093(4), Florida Statutes (F.S.), and Rule 25-22.006(9), Florida Administrative Code (F.A.C.), FPL requested that confidential treatment of the information contained in Document Nos. 03798-05, 03799-05, and 04083-05 be extended for an additional 18 months; that request was granted by Order PSC-07-0884-CFO-EI, issued October 31, 2007, in Docket No. 070001-EI. In the instant Request for Second Extension of Confidential Classification ("2nd request"), FPL now requests that confidentiality of portions of the documents be extended for an additional 18 months. In its 2nd request, FPL states that the period of confidential classification granted by Order No. PSC-07-0884-CFO-EI will soon expire and that a reduced portion of the information covered by that Order warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093, F.S. FPL has provided a new justification matrix and affidavits to clearly describe which portions of the material previously granted confidential classification it believes merit continued confidential classification. This 2nd request was filed in Docket No. 090001-EI.

FPL contends that the information covered by its 2nd request includes internal auditing controls and reports of internal auditors as defined by Section 366.093(3)(b), F.S. FPL also submits that certain information concerns security measures, systems or procedures (paragraph (c)); bids or other contractual data (paragraph (d)); and competitive interests, the disclosure of which would impair the competitive business of the provider of information (paragraph (e)). FPL further contends that some of the information is related to customer specific account information, the disclosure of which may harm some customers' competitive interests, and that it is FPL's policy to protect sensitive customer information from public disclosure. FPL states that no significant changes have occurred since the issuance of Order No. PSC-07-0884-CFO-EI to render the information stale or public. In addition, FPL states that it has maintained the confidentiality of the documents and materials. As a result, FPL requests that portions of the information previously granted confidential classification by Order No. PSC-07-0884-CFO-EI be

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accorded continued confidential classification for an additional 18-month period. A Table specifically identifying the information for which FPL seeks continued confidential classification is attached hereto as Attachment A.

Ruling

Upon review, it appears the above-referenced information, specifically described in the table in Attachment A, satisfies the criteria set forth in Section 366.093(3), F.S., for continued classification as proprietary confidential business information. The information constitutes "internal auditing controls and reports of internal auditors;" "security measures, systems or procedures;" "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;" and/or "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information" as described by Section 366.09.3(3)(b),(c),(d), and (e), F.S. The information has not become stale or public. Further, the Commission's records retention policy requires audit documents be retained by the Commission for a period of 25 years; thus, the documents cannot be returned to the source. Finally, none of the documentation discussed herein contains any information regarding the compensation of FPL executives. Accordingly, FPL's request for an extension of confidential treatment of specified portions of the information contained in Document Nos. 03798-05, 03799-05, and 04083-05, as detailed in Attachment A, shall be granted.

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 Nathan A. Skop, as Prehearing Officer, that Florida Power & Light Company's Request for Extended Confidential Classification of information contained in Document Nos. 03798-05, 03799-05, and 04083-05, as specifically described in Attachment A, is granted. It is further

ORDERED that the information in Document Nos. 03798-05, 03799-05, and 04083-05 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.

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By ORDER of Commissioner Nathan A. Skop, as Prehearing Officer, this <u>22nd</u> day of <u>February</u>, <u>2010</u>.

NATHAN A. SKOP

Commissioner and Prehearing Officer

(SEAL)

LCB

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 FPL 2004 Capacity Cost Recovery Clause Audit Control No 05-031-4-1

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41–2/2	Billing Statements	16	p. 1, Col. A, line 3, Col. B Col. B, lines 5-30 Col. C, lines 3, 6, 10-12, 15-16 Col. D, lines 8-9, 21A-28A Col. E, lines 8-9, 21A-28A Col. F, lines 8-9, 19A-31A, line 31 p. 2, Col. A, line 3, Col. B Col. B, lines 5-30 Col. C, lines 3, 6, 10-12, 15-16 Col. D, lines 8-9, 21A-28A Col. E, lines 8-9, 21A-28A Col. F, lines 8-9, 19A-31A, line 31 p. 3, Col. A, line 3, Col. B Col. B, line 5-30 Col. C, lines 3, 6, 10-12, 15-16 Col. D, lines 8-9, 21A-28A Col. E, lines 8-9, 19A-31A, line 31 p. 4, Col. A, line 3, Col. B Col. B, lines 5-30 Col. C, lines 3, 6, 10-12, 15-16 Col. D, lines 8-9, 21A-28A Col. E, lines 8-9, 21A-28A Col. F, lines 8-9, 21A-28A

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			p. 8, Col. A, line 3,
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	Power & Other	•	
	Billing Summary		
42-2	QF-Actual Purchased	1	All
· 4m - 4m	Power & Other	1	1 111
	Billing Summary		
43-1	1988 Agreement	2	All
43-1/1-1	Actual Purchased	1	All
43-1/1-1	Power & Other	1	All
	1		
42.2	Billing Summary		A 11
43-2	1988 Agreement	2	All
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44-1/6	Cost of Operations	1	All
44-1/6-1	Check Request	2	p. 1, lines 6-9 p. 2, lines 6-9
44-1/6-2	Billing #206	1	All
44-1/6-2/1	Fuel Inventory Analysis	4	All
44-1/6-2/1-1	Reimbursement of JEA's Cost of Coal & Petcoke	3	All
44-1/6-2/1-1/1	Check Request	2	p. 1, lines 6-9 p. 2, lines 6-9
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44-2	SJRPP Purchased Power Accrual	3	p. 1, All p. 2, line 10, Col. C, Lines 13-21, Col. D, Lines 13-20 p. 3, All
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44-2/2-1	Check Request	2	p. 1, lines 6-9 p. 2, lines 6-9
44-2/2-2	Actual Billing #209	1	All
44-2/2-2/1	Fuel Inventory Analysis	4	All
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