

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental cost recovery clause.

DOCKET NO. 20250007-EI
ORDER NO. PSC-2025-0386-CFO-EI
ISSUED: October 15, 2025

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NOS. 13995-2025 AND 09316-2025)

On September 26, 2025, Florida Power & Light Company (FPL) filed a Request for Confidential Classification, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), of certain materials pertaining to Audit Control No. 2025-037-1-1. The information can be described as invoice payments from FPL. (Document Nos. 13995-2025 and 09316-2025).

Request for Confidential Classification

FPL contends that the information contained in Exhibit A of the Request 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 the information at issue relates to bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods and/or services on favorable terms. FPL contends that this information is intended to be and is treated by FPL as private and that its confidentiality has been maintained. FPL further explains that the information is subject to non-disclosure obligations. For these reasons, FPL argues the information is entitled to confidential classification pursuant to Section 366.093(3)(d), F.S.

Ruling

Section 366.093(1), F.S., provides that records the 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:

(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.

Upon review, it appears the above-referenced information in Document Nos. 13995-2025 and 09316-2025, as specifically detailed in Exhibit A, satisfies the criteria set forth in Section 366.093(3)(d), F.S., for classification as proprietary confidential business information. The

information constitutes bids or other contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms. Thus, the information identified in Document Nos. 13995-2025 and 09316-2025, shall be granted confidential classification.

Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted may be protected from disclosure for a period not to exceed 18 months unless the Commission finds good cause for a longer period. Although “good cause” is not defined in Chapter 366, F.S., it is not a novel legal concept. “Florida courts have applied good cause provisions in a variety of contexts, including the Public Records Act.” *Campus Commc’ns, Inc. v. Earnhardt*, 821 So. 2d 388, 395 (5th DCA 2002). Indeed, what qualifies as good cause can vary substantially depending upon the underlying circumstances. Whether good cause exists is a determination committed to the sound discretion of the lower tribunal. *Id.* at 402. However, mere conclusory allegations are insufficient to establish good cause. *See Russenberger v. Russenberger*, 639 So. 2d 963, 965 n.4 (Fla. 1994) (quoting *Schlagenhauf v. Holder*, 379 U.S. 104, 118 (1964)); *see also Gottlieb v. Samiian*, 999 So. 2d 678, 681–82 (1st DCA 2008); *Dep’t of Health v. Juan Barrios, L.M.T.*, No. 23-4933PL, 2024 WL 5077249, at *2 (Fla. DOAH Feb. 6, 2024).

In this case, FPL requests confidential classification of the information for a period of 36 months. FPL asserts that it is Commission policy to retain staff audit reports from cost recovery clause proceedings for a period of seven years. FPL further argues that the nature of the information will not change in the next three years and will continue to be subject to a non-disclosure obligation. Given these factual circumstances, FPL has articulated sufficient good cause to grant confidential classification of the information for up to 36 months. This timeframe reasonably balances the tension between the requested period of confidential classification and Florida’s strong public policy favoring disclosure of public records. The more months of pre-authorized confidential classification a movant requests, the more persuasive and compelling the justification should be. Therefore, the information for which confidential classification has been granted shall remain protected from disclosure for a period of up to 36 months from the date of issuance of this Order. At the conclusion of the 36-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 hereby

ORDERED by Commissioner Gabriella Passidomo Smith, as Prehearing Officer, that Florida Power & Light Company’s Request for Confidential Classification of Document Nos. 13995-2025 and 09316-2025, is granted. It is further

ORDERED that the information in Document Nos. 13995-2025 and 09316-2025, for which confidential classification has been granted, shall remain protected from disclosure for a period of up to 36 months from the date of issuance of this Order. At the conclusion of the 36-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 Gabriella Passidomo Smith, as Prehearing Officer, this 15th day of October, 2025.



Gabriella Passidomo Smith
Commissioner and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

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

CMM

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission (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. 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.