

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed New Rules 25- ) DOCKET NO. 941073-PU  
4.0201, 25-6.0151, 25-7.0151 and ) ORDER NO. PSC-95-0193-FOF-PU  
25-30.145, F.A.C., Audit Access ) ISSUED: February 10, 1995  
To Records )  
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The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman  
J. TERRY DEASON  
JOE GARCIA  
JULIA L. JOHNSON  
DIANE K. KIESLING

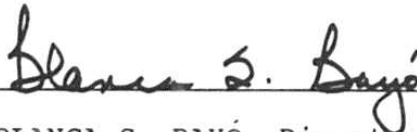
NOTICE OF ADOPTION

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has adopted Rules 25-4.0201, 25-6.0151, 25-7.0151 and 25-30.145, Florida Administrative Code, relating to audit access to records without changes.

The rules were filed with the Department of State on February 8, 1995 and will be effective on February 28, 1995. A copy of the rule as filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

By ORDER of the Florida Public Service Commission, this 10th day of February, 1995.



BLANCA S. BAYÓ, Director  
Division of Records & Reporting

( S E A L )

DOCUMENT NUMBER-DATE  
01577 FEB 10 1995  
FPSC-RECORDS/REPORTING

Rule 25-4.0201 Audit Access To Records

1) This rule addresses the reasonable access to utility and affiliate records provided by §364.183(1) for the purposes of management and financial audits.

a) The audit scope, audit program and objectives, and audit requests are not constrained by relevancy standards narrower than those provided by §364.183(1).

b) Reasonable access means that company responses to audit requests for access to records shall be fully provided within the time frame established by the auditor. In establishing a due date, the auditor shall consider the location of the records, the volume of information requested, the number of pending requests, the amount of independent analysis required, and reasonable time for the utility to review its response for possible claims of confidentiality or privilege.

c) In those instances where the utility disagrees with the auditor's assessment of a reasonable response time to the request, the utility shall first attempt to discuss the disagreement with the auditor and reach an acceptable revised date. If agreement cannot be reached, the utility shall discuss the issue with successive levels of supervisors at the Commission until an agreement is reached. If necessary, a final decision shall be made by the Prehearing Officer. If the audit is related to an undocketed case, the Chairman shall make the decision.

d) The utility and its affiliates shall have the opportunity to safeguard their records by copying them or logging them out, provided, however, that safeguard measures shall not be used to prevent reasonable access by Commission auditors to utility or affiliate records.

e) Reasonable access to records includes reasonable access to personnel to obtain testimonial evidence in response to inquiries or through interviews.

f) Nothing in this rule shall preclude Commission auditors from making copies or taking notes. In the event these notes relate to documents for which the company has asserted confidential status, such notes shall also be given confidential status.

g) Form PSC/AFA 6 (2/95), entitled "Audit Document and Record Request/Notice of Intent" is incorporated by reference into this rule. This form is used by auditors when requests are formalized. This form documents audit requests, the due dates for responses, and all Notices of Intent to Seek Confidential Classification.

Rulemaking Authority: 350.127(2), F.S.

Law Implemented: 364.183(1), F.S.

History: New 4/28/95.

Rule 25-6.0151 Audit Access To Records

1) This rule addresses the reasonable access to utility and affiliate records provided by §366.093(1) for the purposes of management and financial audits.

a) The audit scope, audit program and objectives, and audit requests are not constrained by relevancy standards narrower than those provided by §366.093(1).

b) Reasonable access means that company responses to audit requests for access to records shall be fully provided within the time frame established by the auditor. In establishing a due date, the auditor shall consider the location of the records, the volume of information requested, the number of pending requests, the amount of independent analysis required, and reasonable time for the utility to review its response for possible claims of confidentiality or privilege.

c) In those instances where the utility disagrees with the auditor's assessment of a reasonable response time to the request, the utility shall first attempt to discuss the disagreement with the auditor and reach an acceptable revised date. If agreement cannot be reached, the utility shall discuss the issue with successive levels of supervisors at the Commission until an agreement is reached. If necessary, a final decision shall be made by the Prehearing Officer. If the audit is related to an undocketed case, the Chairman shall make the decision.

d) The utility and its affiliates shall have the opportunity to safeguard their records by copying them or logging them out, provided, however, that safeguard measures shall not be used to prevent reasonable access by Commission auditors to utility or affiliate records.

e) Reasonable access to records includes reasonable access to personnel to obtain testimonial evidence in response to inquiries or through interviews.

f) Nothing in this rule shall preclude Commission auditors from making copies or taking notes. In the event these notes relate to documents for which the company has asserted confidential status, such notes shall also be given confidential status.

g) Form PSC/AFA 6 (2/95), entitled "Audit Document And Record Request/Notice of Intent" is incorporated by reference into this rule. This form is used by auditors when requests are formalized. This form documents audit requests, the due dates for responses, and all Notices of Intent to Seek Confidential Classification.

Rulemaking Authority: 350.127(2), F.S.

Law Implemented: 366.093(1), F.S.

History: New 4/28/95.

Rule 7.0151 Audit Access To Records

1) This rule addresses the reasonable access to utility and affiliate records provided for in §366.093(1) for the purposes of management and financial audits.

a) The audit scope, audit program and objectives, and audit requests are not constrained by relevancy standards narrower than those provided by §366.093(1).

b) Reasonable access means that company responses to audit requests for access to records shall be fully provided within the time frame established by the auditor. In establishing a due date, the auditor shall consider the location of the records, the volume of information requested, the number of pending requests, the amount of independent analysis required, and reasonable time for the utility to review its response for possible claims of confidentiality or privilege.

c) In those instances where the utility disagrees with the auditor's assessment of a reasonable response time to the request, the utility shall first attempt to discuss the disagreement with the auditor and reach an acceptable revised date. If agreement cannot be reached, the utility shall discuss the issue with successive levels of supervisors at the Commission until an agreement is reached. If necessary, a final decision shall be made by the Prehearing Officer. If the audit is related to an undocketed case, the Chairman shall make the decision.

d) The utility and its affiliates shall have the opportunity to safeguard their records by copying them or logging them out, provided, however, that safeguard measures shall not be used to prevent reasonable access by Commission auditors to utility or affiliate records.

e) Reasonable access to records includes reasonable access to personnel to obtain testimonial evidence in response to inquiries or through interviews.

f) Nothing in this rule shall preclude Commission auditors from making copies or taking notes. In the event these notes relate to documents for which the company has asserted confidential status, such notes shall also be given confidential status.

g) Form PSC/AFA 6) (2/95), is entitled "Audit Document And Record Request/Notice of Intent" is incorporated by reference into this rule. This form is used by auditors when requests are formalized. This form documents audit requests, the due dates for responses, and all Notices of Intent to Seek Confidential Classification.

Rulemaking Authority: 350.127(2), F.S.

Law Implemented: 366.093(1), F.S.

History: New 4/28/95.

Rule 25-30.145 Audit Access To Records

1) This rule addresses the reasonable access to utility and affiliate records provided for in §367.156(1) for the purposes of management and financial audits.

a) The audit scope, audit program and objectives, and audit requests are not constrained by relevancy standards narrower than those provided by §367.156(1).

b) Reasonable access means that company responses to audit requests for access to records shall be fully provided within the time frame established by the auditor. In establishing a due date, the auditor shall consider the location of the records, the volume of information requested, the number of pending requests, the amount of independent analysis required, and reasonable time for the utility to review its response for possible claims of confidentiality or privilege.

c) In those instances where the utility disagrees with the auditor's assessment of a reasonable response time to the request, the utility shall first attempt to discuss the disagreement with the auditor and reach an acceptable revised date. If agreement cannot be reached, the utility shall discuss the issue with successive levels of supervisors at the Commission until an agreement is reached. If necessary, a final decision shall be made by the Prehearing Officer. If the audit is related to an undocketed case, the Chairman shall make the decision.



d) The utility and its affiliates shall have the opportunity to safeguard their records by copying them or logging them out, provided, however, that safeguard measures shall not be used to prevent reasonable access by Commission auditors to utility or affiliate records.

e) Reasonable access to records includes reasonable access to personnel to obtain testimonial evidence in response to inquiries or through interviews.

f) Nothing in this rule shall preclude Commission auditors from making copies or taking notes. In the event these notes relate to documents for which the company has asserted confidential status, such notes shall also be given confidential status.

g) Form PSC/AFA 6 (2/95), entitled "Audit Document and Record Request/Notice of Intent" is incorporated by reference into this rule. This form is used by auditors when requests are formalized. This form documents audit requests, the due dates for responses, and all Notices of Intent to Seek Confidential Classification.

Rulemaking Authority: 350.127(2), F.S.

Law Implemented: 367.156(1), F.S.

History: New 4/28/95.