

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida  
Public Utilities Company.

DOCKET NO. 030438-EI  
ORDER NO. PSC-04-0163-CFO-EI  
ISSUED: February 17, 2004

ORDER GRANTING FLORIDA PUBLIC UTILITIES COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF AUDIT WORKPAPERS.  
AUDIT CONTROL NO. 03-274-4-1 (DOCUMENT NOS. 13206-03 AND 00551-04)

On January 13, 2004, pursuant to Rules 25-22.006, Florida Administrative Code, and Section 366.093, Florida Statutes, Florida Public Utilities Company (FPUC) requested confidential classification for selected portions of staff workpapers associated with the staff audit conducted in this docket, identified as Audit Control No. 03-274-4-1. The information for which FPUC requests confidential treatment is filed with the Commission as Document Nos. 13206-03 and 00551-04.

FPUC requests that the following work papers be granted confidential classification:

WORK PAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
WP 8	2	1-3	Sensitive competitive information release of which could cause harm
WP 8	3	1	Internal audits and internal auditing controls
WP 8	4	1-17, 21-30, 31-36	Internal audits and internal auditing controls
WP 8	5	1, 2	Internal audits and internal auditing controls
WP 9	1-5	All	Internal audits and internal auditing controls
WP 9	6	All	Internal audits and internal auditing controls
WP 9	14-16	All	Internal audits and internal auditing controls

FPUC seeks confidential classification of notes taken from Board of Directors meetings, notes from Board Audit Committee discussions, and staff notes concerning internal audit activities, pursuant to Section 366.093(3)(b), Florida Statutes. Additionally, FPUC requests confidential classification for notes taken from the audit workpapers of FPUC's external auditors which include information regarding transactions, litigation, and competitive interests.

DOCUMENT NUMBER-DATE

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FPUC asserts that, pursuant to Section 366.093, Florida Statutes, such information is entitled to confidential classification and is exempt from the mandatory disclosure provisions of the public records law. FPUC asserts that the workpapers, if disclosed, would impair the business of FPUC and provide information beneficial to contractors and vendors. Section 366.093(3)(b), Florida Statutes.

CONCLUSION

Upon review it appears that the information discussed above is proprietary, confidential business information and should be given confidential treatment, pursuant to Section 366.093(4), Florida Statutes. The information should be granted confidential classification for a period of eighteen months from the date of the issuance of this Order. Based on the foregoing, FPUC's request for confidential treatment of Document Nos. 13206-03 and 00551-04 is granted.

By ORDER of Chairman Braulio L. Baez, as Prehearing Officer, this 17th day of February, 2004.

 for Chairman Braulio L. Baez

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BRAULIO L. BAEZ  
Chairman and Prehearing Officer

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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 Director, Division of the Commission Clerk and Administrative Services, 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.