

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Compensation Costs for)	DOCKET NO. 890002-EG
Employee in Regard to Fuel Adjustment)	
Docket)	ORDER NO. 20688
)	ISSUED: 2-1-89

ORDER DENYING CONFIDENTIALITY

On December 28, 1988 the Florida Public Service Commission received FPL's request for Specified Confidential Classification of information obtained through Interrogatory No. 18 of Staff's third set of interrogatories for Docket No. 890002-EG. It is petitioners contention that public access to all sources of employee compensation is not relevant and without the same access of other utility information, recruitment efforts can be disturbed.

The Commissions ability to issue protective orders protecting a public utility from discovery of proprietary confidential business information is found in Section 366.093, Florida Statutes. Section 366.093(3)(e), Florida Statutes, specifically defines proprietary confidential business information as including "[e]mployee personnel information unrelated to compensation, duties, qualifications, or responsibilities." (Emphasis Added.) Pursuant to this language of Florida Statute 366.093(3)(e), Florida Power and Light has not established any right to prevent employee compensation in this instance from being revealed.

For this reason, it is

ORDERED by Prehearing Officer, Commissioner John T. Herndon, that the request for Specified Classification of the information in this case as Confidential Information is denied.

By ORDER of Commissioner John T. Herndon, as Prehearing Officer, this 1st day of FEBRUARY, 1989.

John T. Herndon
JOHN T. HERNDON, Commissioner
and Prehearing Officer

(S E A L)

JW