

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for approval of ) DOCKET NO. 920463-EI  
change in Allowance for Funds ) ORDER NO. PSC-93-0707-CFO-EI  
Used During Construction (AFUDC) ) ISSUED: 5/10/93  
rate, effective January 1, 1992, )  
by Florida Power and Light )  
Company. )  
\_\_\_\_\_)

ORDER GRANTING FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR  
CONFIDENTIAL CLASSIFICATION OF CERTAIN MATERIAL  
REQUESTED AS PART OF THE STAFF'S AUDIT OF FPL'S  
CHANGE IN ALLOWANCE FOR FUNDS USED DURING CONSTRUCTION RATE

Pursuant to the Commission's staff audit of Florida Power and Light Company's (FPL) Allowance for Funds Used During Construction (AFUDC) rate, effective January 1, 1992, the staff requested access to various FPL records. In response to staff's written Document/Record Request (D/RR) No. 8, dated July 23, 1992 for internal audit-related records, FPL filed a Notice of Intent to Request Confidential Classification dated July 27, 1992. During the staff's audit of the information made available pursuant to D/RR No. 8, FPL asserts that confidential material was obtained by staff through the taking of FPL's internal audit documents. FPL seeks confidential classification of those documents obtained by staff in response to D/RR No. 8, consisting of a three page summary, work papers 9-1, page 1-3, an FPL internal audit report number 92-32. This material is found in Document No. 9279-92 and duplicates information found in staff's workpapers in Document No. 8532-92.

FPL asserts that this material is intended to be and is treated by FPL as proprietary and has not otherwise been publicly disclosed to the best of FPL's knowledge. Also, FPL states that the information has only been circulated to a select few employees of FPL on a need to know basis.

FPL seeks classification of the material contained in the response to D/RR No. 8 as proprietary confidential business information pursuant to Section 366.093, Florida Statutes. In Section 366.093(3)(b) defines proprietary confidential business information as "internal auditing controls and reports of internal auditors." FPL asserts that the material obtained was obtained by the staff from the reports of internal auditors or their supporting workpapers, and as such meets the definition of proprietary confidential business information, and thus, is entitled to confidential classification. I find that the material in FPL's request is derived from an internal audit and meets the definition

DOCUMENT NUMBER-DATE

05047 MAY 10 93

FPSO-RECORDS/REPORTING

ORDER NO. PSC-93-0707-CFO-EI  
DOCKET NO. 920463-EI  
PAGE 2

of proprietary confidential business information. Accordingly, this material shall be held as confidential.

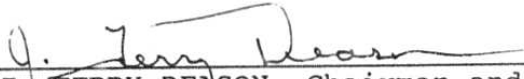
Finally, I find that the confidential information discussed within the body of this Order shall be classified as proprietary confidential business information for a period not longer than 18 months, as is specified in Section 366.093(4), Florida Statutes, and in Rule 25-22.006(8), Florida Administrative Code.

It is, therefore,

ORDERED by Chairman J. Terry Deason, as Prehearing Officer, that the specified information of Florida Power & Light's request for confidential classification (found in Document No. 9279-92 and in staff workpapers Document No. 8532-92) is proprietary confidential business information as discussed within the body of this Order. The proprietary confidential business information shall be afforded confidential status pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. It is further

ORDERED that the proprietary confidential business information discussed above shall be afforded confidential treatment for a period of 18 months.

By ORDER of Chairman J. Terry Deason, as Prehearing Officer, this 10th day of May, 1993.

  
\_\_\_\_\_  
J. TERRY DEASON, Chairman and  
Prehearing Officer

( S E A L )  
DLC:bmi

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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

ORDER NO. PSC-93-0707-CFO-EI  
DOCKET NO. 920463-EI  
PAGE 3

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.

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 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 Records and Reporting, 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.