

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: In the matter of Florida ) DOCKET NO. 940852-EI  
Power & Light Company's Request ) ORDER NO. PSC-95-0023-CFO-EI  
for Confidential Classification ) ISSUED: January 6, 1995  
of the Staff's Audit Review of )  
FPL's CIS II Computer System )  
\_\_\_\_\_ )

ORDER GRANTING FLORIDA POWER AND LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION

By The Commission:

On August 1, 1994, Florida Power and Light Company (FPL) filed its Request For Confidential Classification of Certain Material obtained during the staff's audit review of FPL's CIS II Computer System. FPL asserts that the material for which confidentiality is requested was obtained from reports of internal audits or their supporting workpapers. These materials comprise Document Numbers 07628-94 and 07857-94.

Florida law provides, in Section 119.01, Florida Statutes, that documents submitted to governmental agencies shall be public records. The only exceptions to this law are specific statutory exemptions, and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. This law derives from the concept that government should operate in the "sunshine."

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, FPL has the burden to show that the material submitted is qualified for confidential classification. Rule 25-22.006 provides that the Company may fulfill its burden by demonstrating that the information falls under one of the statutory examples set out in Section 366.093, Florida Statutes, or by demonstrating that the information is proprietary confidential business information, the disclosure of which will cause the Company or its ratepayers harm.

Section 366.093(3), Florida Statutes, provides several examples of proprietary confidential business information. Included in this list are "[i]nternal auditing controls and reports of internal auditors." [e.s.]

As indicated by the chart included as Attachment I, FPL has demonstrated that the listed information was obtained from reports of internal auditors and is therefore entitled to confidential

DOCUMENT NUMBER-DATE

00176 JAN-6 1995

FPL-RECORDS/REPORTING

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classification pursuant to Section 366.093(3)(b), Florida Statutes.<sup>1</sup>

Pursuant to Section 366.093(4), Florida Statutes, the appropriate length of time for confidential classification of these materials is until June 30, 1996. At that time, FPL can request an extension of the time period.

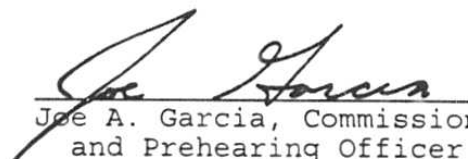
In consideration of the foregoing, it is

ORDERED by Commissioner Joe A. Garcia as Prehearing Officer, that the Request for Confidential Classification of listed portions of Document Numbers 07628-94 and 07857-94 filed by Florida Power and Light Company is granted. It is further

ORDERED that this information shall be classified as proprietary confidential business information for the period discussed in the body of this Order. It is further

ORDERED that this Order will be the only notification concerning the expiration of the confidentiality period.

BY ORDER of Commissioner Joe A. Garcia, as Prehearing Officer, this 6th day of January, 1995.

  
Joe A. Garcia, Commissioner  
and Prehearing Officer

(S E A L)

RCB  
Attachment

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<sup>1</sup> By letter dated December 15, 1994, FPL waived its confidentiality request as to other documents which were not obtained from reports of internal auditors.

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 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.

<u>IDENTIFICATION AND LOCATION OF INFORMATION FOR WHICH CONFIDENTIALITY IS BEING SOUGHT</u>		<u>DESCRIPTION OF DATA</u>	<u>STAFF DETERMINATION</u>		
DOCUMENT NO.	PAGE NO(S).	LINE NO(S).	COMPANY'S DESCRIPTION OF DATA/MATERIAL	DENY OR GRANT	STAFF DETERMINATION IN LIGHT OF PREVIOUS COMMISSION ACTIONS
07628-94, 07857-94	Audit Disc.1	6-31	Internal audits	Grant	The requested lines are internal audit controls or reports of internal audits, and therefore, warrant confidential treatment pursuant to Section 366.183 (3) (b) which grants confidentiality to internal audit controls or reports of internal audits.
"	WP 1 pg 1 of 3	6-31	"	Grant	"
"	WP 1 pg 2 of 3	5-31	"	"	"
"	WP 1 pg 3 of 3	3-29	"	"	"
"	WP 9 pg 1 of 10	22-42	"	"	"
"	WP 9 pg 2 of 10	1-16	"	"	"
"	WP 9 pg 3 of 10	2-34	"	"	"
"	WP 9 pg 4 of 10	19-42	"	"	"
"	WP 9 pg 5 of 10	1-43	"	"	"
"	WP 9 pg 6 of 10	1-45	"	"	"
"	WP 9 pg 7 of 10	11-41	"	"	"
"	WP 9 pg 8 of 10	1-6	"	"	"
"	WP 9 pg 9 of 10	11-43	"	"	"
"	WP 9 pg 10 of 10	1-9	"	"	"