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State of Florida



Public Service Commission

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DATE: April 30, 2007

TO: Kira Scott, Senior Attorney, Office of the General Counsel *KS*

FROM: Lisa S. Harvey, Chief of Performance Analysis, Division of Competitive Markets & Enforcement *L.S.H.*

RE: Docket 070182-EI, Recommendation concerning a Tampa Electric Company (TEC) request for confidential classification on a portion of staff work papers prepared during "Review of Customer Deposit Procedures of Florida's Five Investor-Owned Utilities". Documents Numbered 02441-07 and 02537-07.

On March 19, 2007 pursuant to Section 366.093, Florida Statutes, and Rule 25-22-006, Florida Administrative Code, TEC filed document number 02441-07 requesting that that the Florida Public Service Commission enter an order protecting from public disclosure certain information included in the review report.

On March 22, 2007 pursuant to Section 366.093, Florida Statutes, and Rule 25-22-006, Florida Administrative Code, TEC filed document number 2537-07 requesting that the Florida Public Service Commission enter an order protecting from public disclosure certain information provided during staff's review of company deposit procedures.

Document 02441-07 seeks to protect from public disclosure the credit score level used to exempt customers from posting deposits. TEC has agreed with Equifax, its customer data information service that this is confidential proprietary business information the disclosure of which would harm competitive interests of Equifax. TEC has an agreement in place with Equifax that protects as proprietary confidential business information the data Equifax which discloses to TEC. TEC contends that Equifax would be harmed through disclosure and seeks confidential status under provisions of Section 366.093(e). These cutoff scores appear in the Executive Summary, Exhibit 2, page 11, and on page 63 of the review report.

Document 2537-07 seeks to protect from public disclosure lists of customer account numbers used for sampling of customer service operations. These numbers appear in six pages of auditors' handwritten notes included in staff work papers.

TEC contends that customer account numbers are proprietary confidential business information pursuant to Section 366.093(3)(e), Florida Statutes, and that public disclosure might allow unauthorized persons to employ "phishing" software in conjunction with the account numbers to assist in stealing account holder identities. TEC currently holds all account numbers as confidential and has not otherwise publicly disclosed them.

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The information identified by TEC in both cases should be granted a confidential classification. Disclosure of the credit cutoff scores would put TEC in violation of an agreement with an outside data provider without a corresponding gain to those who might read the report. Disclosure of personal account numbers would likely damage relations between the company and account holders, reduce company credibility with customers, and potentially provide access to sensitive personal information to unauthorized third parties for the purposes of identity theft. The potential for harm to both customers and TEC is clear.

Further, any order resolving TEC's request should provide that once the order becomes final, the docket should be closed.