

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Conservation Cost Recovery )  
 Clause )  
 \_\_\_\_\_ )

DOCKET NO. 900002-EG  
 ORDER NO. 23695  
 ISSUED: 10-29-90

ORDER REGARDING CONFIDENTIALITYJustification

Florida Power & Light Company (FPL) requests confidential classification of certain staff workpapers, identified as DN-6939-89, which are derived from FPL internal audit reports. The workpapers in question contain the following information:

<u>Workpaper No.</u>	<u>Contents</u>
9 Pages 2 & 3	Summary of Audit
9 Pages 1-10	Notes extracted from FPL Internal Audit Report: Marketing Systems and Administrative and Marketing Services and Sales Audit: 6/01/87 to 7/31/88.

In response to a Commission staff document/record request seeking access to any internal audit reports and workpapers regarding conservation for 1988, FPL provided such access. DN-6939-89 consists of a Commission staff summary and notes on those reports and workpapers.

The basis for FPL's request for specified confidential classification of DN-6939-89 is Section 366.093(3)(b), Florida Statutes, which deems "[i]nternal auditing controls and reports of internal auditors" to be proprietary confidential business information. I find that DN-6939-89 contains extracts from FPL's internal audit reports and working papers, including information on audit scope and procedures, which if made public could adversely affect FPL's internal auditing effort.

Declassification

FPL asserts that internal auditor reports, "being proprietary confidential business information by definition, have no definable period upon which they would no longer be proprietary confidential business information under Section 366.093, Florida Statutes." FPL adds, however, that the material derived from the internal auditor

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reports will no longer require confidential classification after twenty years. At the time this request was filed, the applicable statute was silent as to the duration of confidential classification, and our rule required only that the utility specify "a date by which the material is no longer proprietary confidential business information" if possible, Rule 25-22.006(4)(a), Florida Administrative Code (Pre-October 1, 1989 version).

This request was filed in the 1989 Energy Conservation Cost Recovery Factor docket. That docket has been closed, however, a 1990 version of the docket has been opened. Therefore, this order has been issued in the context of the 1990 Conservation Cost Clause Recovery docket.

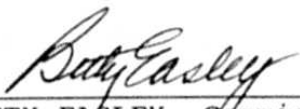
In consideration of the foregoing it is

ORDERED that DN-6939-89, a Commission staff workpaper containing information derived from FPL internal auditor reports, is granted specified confidential classification. It is further

ORDERED that this document shall remain classified for a period of 20 years, as requested by FPL. It is further

ORDERED that if a protest is filed within fourteen (14) days of the date of this order, it will be resolved by the appropriate Commission panel pursuant to Rule 25-22.006(3)(b), Florida Administrative Code.

By ORDER of Commissioner Betty Easley, as Prehearing Officer this 29th day of OCTOBER, 1990.

  
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BETTY EASLEY, Commissioner  
and Prehearing Officer

( S E A L )

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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 sewer 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.