

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Conservation Cost ) DOCKET NO. 930002-EG  
Recovery Clause. ) ORDER NO. PSC-93-0279-CFO-EG  
 ) ISSUED: 02/23/93

ORDER GRANTING FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR  
CONFIDENTIAL CLASSIFICATION OF CERTAIN MATERIAL  
OBTAINED DURING THE COMMISSION'S CONSERVATION AUDIT

By a letter dated September 26, 1991, FPL filed a Request for Confidential Classification of Certain Material Obtained During the Commission's Conservation Audit. After the filing of that request, Staff had requested copies of all audits during the time period subject to Document/Record Request (D/RR) No. 8 dated August 20, 1991. Consequently, FPL provided Staff additional FPL internal audit papers and refiled its earlier request for confidential classification amended to include the additional audit papers sought by the Staff. This Order pertains to the amended request of the confidential information contained in Document No. 10340-91.

Pursuant to the Commission's conservation audit of FPL, the Staff requested copies of various FPL internal audit records. In response to Staff's written Document/Record Request (D/RR) No. 8, dated August 20, 1991, for conservation internal audit records, FPL filed a notice of intent to request confidential classification dated August 21, 1991.

FPL requests confidential classification of its internal audits and workpapers, pages 1 through 112. Staff has been provided copies of the following internal audits along with selected internal audit workpapers: North Broward District Energy Conservation Sales Audit; Treasure Coast District Energy Conservation Programs Audit; Miami District Energy Conservation Programs Audit; Ft. Myers District Energy Conservation Program Audit; St. John's District Marketing and Sales Audit; Load Management Department and Southern Division On-Call Program Audit; Load Management Department and Southern Division On-Call Program Audit (Marketing Functions); and Load Management Department and Southern Division On-Call Program Audit (Power Billing Functions). FPL represents that the material is intended to be and is treated by FPL as private and has not otherwise been publicly disclosed to the best of FPL's knowledge and belief.

FPL seeks classification of the material contained in the internal audit and workpapers, mentioned in the preceding paragraph, as proprietary confidential business information pursuant to §366.093, Florida Statutes. Part (3)(b) of §366.093, defines propriety confidential business information as "internal auditing controls and reports of internal auditors." FPL asserts that the material contained in Document No. 10340-91 is the reports

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of internal auditors or their supporting workpapers, and as such the material meets the definition of proprietary confidential business information, and thus, is entitled to confidential classification. I find that the material in the internal audit, including the transmittal memoranda which summarize the reports of the internal auditors, meets the definition of proprietary confidential business information, and this material shall be held 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. 10340-91) 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 23rd day of February, 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 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.