

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Conservation Cost) DOCKET NO. 930002-EG
Recovery Clause.) ORDER NO. PSC-93-0706-CFO-EG
_____) ISSUED: 5/10/93

ORDER GRANTING FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF CERTAIN MATERIAL
OBTAINED DURING THE STAFF'S REVIEW OF FPL'S
CONSERVATION COST RECOVERY CLAUSE

Pursuant to the Commission's staff review of FPL's Conservation Cost Recovery Clause, the staff requested access to various FPL records. Staff's written Document/Record Request (D/RR) No. 4, dated July 21, 1992, requested access to internal audit reports and workpapers regarding conservation activities. During staff's audit of the information made available pursuant to D/RR No. 4, FPL asserts that confidential material was obtained by staff through the taking of notes and preparation of workpapers from FPL's internal audit reports. FPL seeks confidential treatment of the documents obtained by staff in response to staff's request. This material is found in Document No. 14916-92, which was submitted by FPL and duplicates information found in staff's workpapers in Document No. 14502-92.

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.4, item 2 as proprietary confidential business information pursuant to Section 366.093, Florida Statutes. Section 366.093(3) defines proprietary confidential business information as "internal auditing controls and reports of internal auditors." FPL asserts that the material obtained by staff in response to D/RR No. 4, item 2, is 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 relates to audit notes taken from internal audit reports and meets the definition of proprietary confidential business information. Accordingly, this material shall be held as confidential.

DOCUMENT NUMBER-DATE

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FPLSC-RECORDS/REPORTING

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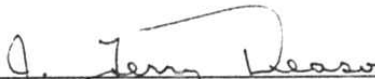
Finally, I find that the confidential information discussed within the body of this Order shall be classified as proprietary confidential business information for a period not longer than 18 months, as is specified in Section 366.093(4), Florida Statutes, and in Rule 25-22.006(8), Florida Administrative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

It is, therefore,

ORDERED by Chairman J. Terry Deason, as Prehearing Officer, the specified information of Florida Power and Light Company's request for confidential classification (found in Document No. 14916-92 and in staff's workpapers in Document No. 14502-92) 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 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.

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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.