

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Confidentiality Request) DOCKET NO. 930834-EI
of FP&L re: Material Obtained) ORDER NO. PSC-93-1631-CFO-EI
During Staff Audit of FPL's Rate) ISSUED: November 8, 1993
of Return)
_____)

ORDER GRANTING CONFIDENTIAL CLASSIFICATION

By request filed August 20, 1993, Florida Power and Light Company (FPL) has asked that workpapers pertinent to a surveillance audit be treated as confidential. The utility's request asserts that the staff workpapers are notes taken by staff from the utility's internal audits.

Florida law provides, in Section 119.07, Florida Statutes, the process by which records kept by governmental agencies are made public. Paragraph 119.07(3)(a) provides exceptions for public records which are currently provided by law to be confidential. In the instant matter the exceptions are provided in Section 366.093, Florida Statutes.

Subsection 366.093(1), Florida Statutes, provides that "proprietary confidential business information" shall be kept confidential and shall be exempt from s. 119.07(1). Subsection 366.093(b) provides a definition which reads:

The term "proprietary confidential business information" means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public.

Section 366.093(3) also provides a list of categories which would be included in the term "proprietary confidential business information". Included on that list is the category of internal auditing controls and reports of internal auditors.

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The staff workpapers for which confidentiality is requested are covered by §366.093(3)(b) because they consist of notes taken by staff from the utility's internal audits. Therefore, they will be classified as confidential pursuant to this statutory provision.


In view of the above, it is

ORDERED that the staff workpapers be treated as confidential. It is further

ORDERED that pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, any confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 366.093. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

BY ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 8th day of November, 1993.


SUSAN F. CLARK, Commissioner
and Prehearing Officer

RCB
OR930834.MRD

(S E A L)

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

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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.