

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: In the Matter of Florida ) DOCKET NO. 950832-EI  
Power & Light Company's Request ) ORDER NO. PSC-95-1294-CFO-EI  
for Confidential Classification ) ISSUED: October 19, 1995  
of the Staff's Review of FPL's )  
Affiliate Transactions )  
\_\_\_\_\_)

ORDER GRANTING CONFIDENTIAL CLASSIFICATION

By request dated July 18, 1995, as amended by supplemental request dated August 10, 1995 (Request), Florida Power and Light Company (FPL) has sought confidential classification pursuant to Rule 25-22.006, Florida Administrative Code and Section 366.093, Florida Statutes, of certain material obtained during this Commission's audit review of FPL's affiliate transactions.

Florida law provides, in Section 119.01, Florida Statutes, that documents submitted to governmental agencies shall be public records. The only exceptions to this law are specific statutory exemptions, and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. Pursuant to Section 366.093 and Rule 22.006, it is the company's burden to show that the material submitted is qualified for specified confidential classification. Rule 25-22.006 provides that the Company may fulfill its burden by demonstrating that the documents fall into one of the statutory examples set out in section 366.093, or by demonstrating that the information is proprietary confidential information the disclosure of which will cause the company or its ratepayers harm.

The documents for which confidential classification has been requested are as follows:

1. Document 06305-95 - working papers.
2. Document 06773-95 - working papers with confidential material highlighted.
3. Document 07664-95 - working papers with confidential material highlighted.<sup>1</sup>

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<sup>1</sup> This document was the subject of the supplemental request.

DOCUMENT NUMBER-DATE

10333 OCT 19 95

FPSO-RECORDS/REPORTING

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The utility requests confidential treatment for the subject staff audit working papers<sup>2</sup> that are notes taken directly from internal audits. Section 366.093, Florida Statutes, lists internal audits and reports of internal auditors as proprietary confidential business information. Therefore, these documents qualify for the confidential treatment requested. The attached schedule lists the documents at issue page by page along with the appropriate disposition thereof. Attachment 1.

The utility asks that this material be returned to FPL "as soon as the information is no longer necessary for the Commission to conduct its business". Request, p. 3. The Commission's treatment of the documents in this respect is governed by Rule 25-22.006(8)(b), which states:

When confidential information is no longer needed for the Commission to conduct its business, the Commission shall order all persons holding such information to return it to the utility or person providing the information.

Since there is no basis to establish, at this time, any future date by which one or more of these documents will be "no longer needed for the Commission to conduct its business", it is unnecessary to so speculate now.

In view of the above, it is

ORDERED by Commissioner Joe Garcia as Prehearing Officer that Florida Power and Light Company's Request and Supplemental Request for Confidential Classification of Certain Material Obtained During the Staff's Audit Review of FPL's Affiliate Transactions is granted. It is further

ORDERED that the documents referenced in Attachment I be treated as confidential until May 1, 1997. It is further

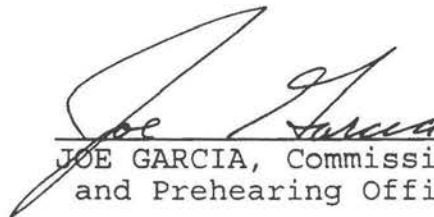
ORDERED that this docket be closed.

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<sup>2</sup> FPL subsequently waived its request as to p. 9 of the working papers.

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BY ORDER of Commissioner Joe Garcia as Prehearing Officer this  
19th day of October, 1995.



JOE GARCIA, Commissioner  
and Prehearing Officer

( S E A L )

RCB

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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 the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.

ATTACHMENT 1

Staff Working Paper	Line (Column)	Recommended Action	Reason
9-1 (6 pages)	All (Audit Title)	Approve	Consists of data extracted from a company internal audit. These working papers, covered by the supplemental filing, are identical to the documents contained in working paper 9-2/1
9-1/1 (3 pages)	All	"	Consists of data extracted from a company internal audit.
9-1/2 (4 pages)	All	"	"
9-1/3 (3 pages)	All	"	"
9-1/4	All	"	"
9-1/5 (4 pages)	All	"	"
9-1/6 (2 pages)	All	"	"
9-1/7 (2 pages)	All	"	"
9-1/8 (3 pages)	All	"	"
9-1/9	All	"	"
9-1/10 (2 pages)	All	"	"
9-1/11	All	"	"
9-1/12 (2 pages)	All	Approve	Consists of data extracted from a company internal audit.
9-1/13	All	"	"
9-2/1 (6 pages)	All (Audit Title)	"	"
9-2/2	All	"	"

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9-3 (11 pages)	All	"	"
9-4 (5 pages)	All	"	"