

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Electric Service Quality  
(ESQ) Audit Requests for  
Confidentiality (Audit Control  
NO. 97-01-002).

DOCKET NO. 971668-EI  
ORDER NO. PSC-98-0620-CFO-EI  
ISSUED: May 4, 1998

ORDER GRANTING IN PART AND DENYING IN PART FLORIDA POWER  
CORPORATION'S REQUEST FOR CONFIDENTIAL CLASSIFICATION

On December 31, 1997, Florida Power Corporation (FPC) filed a request pursuant to Rule 25-22.006 and Section 366.093, Florida Statutes, for confidential classification of Document No. 13329-97 containing certain highlighted portions of information provided during the Commission's Review of Electric Services and Reliability conducted in 1997 (RR-97-01-002).

Documents submitted to governmental agencies in Florida are public records. The only exceptions are the specific statutory exemptions provided in the law and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. This is based on the concept that government should operate in the "sunshine."

Rule 25-22.006(4), Florida Administrative Code, provides that it is the company's burden to demonstrate that the documents fall into one of the statutory examples set out in section 366.093, Florida Statutes, or to demonstrate that the information is proprietary confidential information, the disclosure of which will cause the company or its ratepayers harm.

Section 366.093(3), Florida Statutes, provides the following definition for proprietary confidential business information:

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

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

ratepayers or the person's or company's business operations, and has not been disclosed unless 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. The term includes, but is not limited to:

- (a) Trade secrets.
- (b) Internal auditing controls and reports of internal auditors.
- (c) Security measures, systems, or procedures.
- (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

Rule 25-22.006(4)(c), Florida Administrative Code, requires that the company demonstrate by a line-by-line or field-by-field justification how the information asserted to be confidential qualifies as one of the statutory examples listed in section 366.093(3), Florida Statutes. If no statutory example is applicable, then the company shall include a statement explaining how the ratepayers or the company's operations will be harmed by disclosure.

FPC has asked for confidential classification for the documents listed in Attachment I based on the following arguments and statutory exemptions: 1) Items 1-49 contain survey results implicating FPC's competitive interests pursuant to Section

ORDER NO. PSC-98-0620-CFO-EI  
DOCKET NO. 971668-EI  
PAGE 3

366.093(3)(e); 2) Items 50-72 list FPSC inquiry activity or FPC executive complaints revealing customer names.

As set out in Attachment I, Items 1-49 and 66-72 meet the requirements for confidential classification, while Items 50-65 do not. Items 1-49 implicate FPC's competitive interests and require confidential classification pursuant to Section 366.093(3)(e).

Items 66-72 also meet the requirements in that FPC has not disclosed this information to the public. Ratepayers who discussed their complaints with the utility on the condition that their identities not be disclosed would be harmed by such disclosure. Section 366.093(3). However, Items 50-65 are already public records as part of the Commission's Complaint Tracking System. Those items, therefore, do not meet the requirements of Section 366.093(3) or subsections a-f thereof.

Confidential classification for any of Items 1-49 or 66-72 retained by the Commission beyond the statutory 18 month period may be sought prior to its expiration in accordance with section 366.093(4), Florida Statutes.

Based upon the foregoing, it is

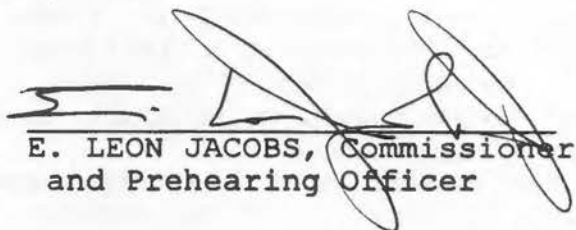
ORDERED by Commissioner E. Leon Jacobs, as Prehearing Officer, that Florida Power Corporation's Request for Confidential Classification of Items 1-49 and 66-72 listed in Attachment I is granted. The Request for Confidential Classification of Items 50-65 listed in Attachment I is denied. It is further

ORDERED that pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, 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 further notification by the Commission to the parties concerning the expiration of the confidentiality time period.

ORDER NO. PSC-98-0620-CFO-EI  
DOCKET NO. 971668-EI  
PAGE 4

By ORDER of Commissioner E. Leon Jacobs as Prehearing Officer,  
this 4th day of May, 1998.

  
E. LEON JACOBS, Commissioner  
and Prehearing Officer

(S E A L)

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Item	Title of Document	Page	Company Justification	Staff Response
1.	Commercial & Industrial Opinion Survey Results, 1992	4 of 7	Disclosure of the Competitive Information would severely jeopardize FPC's future competitive position by providing third parties with access to specific and detailed customer information gathered through much time, effort and expense on the part of FPC	Agree
2.	1993 Commercial and Industrial Opinion Survey Results	9 of 15	Same as Item 1.	Agree
3.	1993 Commercial and Industrial Opinion Survey Results	10 of 15	Same as Item 1.	Agree
4.	1993 Commercial and Industrial Opinion Survey Results	12 of 15	Same as Item 1.	Agree
5.	Large Industrial Customer Satisfaction Survey Results, Year-end 1993	3 of 6	Same as Item 1.	Agree
6.	Large Industrial Customer Satisfaction Survey Results, Year-end 1993	6 of 6	Same as Item 1.	Agree
7.	FPC FASTRACK Customer Survey Results	2 of 29	Same as Item 1.	Agree
8.	FPC FASTRACK Customer Survey Results	3 of 29	Same as Item 1.	Agree
9.	FPC FASTRACK Customer Survey Results	4 of 29	Same as Item 1.	Agree
10.	FPC FASTRACK Customer Survey Results	5 of 29	Same as Item 1.	Agree
11.	FPC FASTRACK Customer Survey Results	6 of 29	Same as Item 1.	Agree
12.	FPC FASTRACK Customer Survey Results	7 of 29	Same as Item 1.	Agree
13.	FPC FASTRACK Customer Survey Results	8 of 29	Same as Item 1.	Agree
14.	FPC FASTRACK Customer Survey Results	9 of 29	Same as Item 1.	Agree
15.	FPC FASTRACK Customer Survey Results	10 of 29	Same as Item 1.	Agree
16.	FPC FASTRACK Customer Survey Results	11 of 29	Same as Item 1.	Agree

Item	Title of Document	Page	Disposition	Comments
17.	FPC FASTRACK Customer Survey Results	12 of 29	Same as Item 1.	Agree
18.	FPC FASTRACK Customer Survey Results	13 of 29	Same as Item 1.	Agree
19.	FPC FASTRACK Customer Survey Results	14 of 29	Same as Item 1.	Agree
20.	FPC FASTRACK Customer Survey Results	15 of 29	Same as Item 1.	Agree
21.	FPC FASTRACK Customer Survey Results	17 of 29	Same as Item 1.	Agree
22.	FPC FASTRACK Customer Survey Results	18 of 29	Same as Item 1.	Agree
23.	FPC FASTRACK Customer Survey Results	19 of 29	Same as Item 1.	Agree
24.	FPC FASTRACK Customer Survey Results	20 of 29	Same as Item 1.	Agree
25.	FPC FASTRACK Customer Survey Results	21 of 29	Same as Item 1.	Agree
26.	FPC FASTRACK Customer Survey Results	21 of 29	Same as Item 1.	Agree
27.	FPC FASTRACK Customer Survey Results	22 of 29	Same as Item 1.	Agree
28.	FPC FASTRACK Customer Survey Results	23 of 29	Same as Item 1.	Agree
29.	FPC FASTRACK Customer Survey Results	24 of 29	Same as Item 1.	Agree
30.	FPC FASTRACK Customer Survey Results	25 of 29	Same as Item 1.	Agree
31.	FPC FASTRACK Customer Survey Results	26 of 29	Same as Item 1.	Agree
32.	FPC FASTRACK Customer Survey Results	27 of 29	Same as Item 1.	Agree
33.	FPC FASTRACK Customer Survey Results	28 of 29	Same as Item 1.	Agree
34.	FPC FASTRACK Customer Survey Results	29 of 29	Same as Item 1.	Agree
35.	FPC BROADCASTS Customer Survey Results	1 of 16	Same as Item 1.	Agree

Item	Title of Document	Page	Company/Institution	Status/Response
36.	FPC BROADCASTS Customer Survey Results	2 of 16	Same as Item 1.	Agree
37.	FPC BROADCASTS Customer Survey Results	3 of 16	Same as Item 1.	Agree
38.	FPC BROADCASTS Customer Survey Results	5 of 16	Same as Item 1.	Agree
39.	FPC BROADCASTS Customer Survey Results	6 of 16	Same as Item 1.	Agree
40.	FPC BROADCASTS Customer Survey Results	7 of 16	Same as Item 1.	Agree
41.	FPC BROADCASTS Customer Survey Results	8 of 16	Same as Item 1.	Agree
42.	FPC BROADCASTS Customer Survey Results	9 of 16	Same as Item 1.	Agree
43.	FPC BROADCASTS Customer Survey Results	10 of 16	Same as Item 1.	Agree
44.	FPC BROADCASTS Customer Survey Results	11 of 16	Same as Item 1.	Agree
45.	FPC BROADCASTS Customer Survey Results	12 of 16	Same as Item 1.	Agree
46.	FPC BROADCASTS Customer Survey Results	13 of 16	Same as Item 1.	Agree
47.	FPC BROADCASTS Customer Survey Results	14 of 16	Same as Item 1.	Agree
48.	FPC BROADCASTS Customer Survey Results	15 of 16	Same as Item 1.	Agree
49.	FPC BROADCASTS Customer Survey Results	16 of 16	Same as Item 1.	Agree
50.	FPSC Inquiry Activity (Customer Names)	1 of 15	Public Disclosure of Customer Information might serve to discourage future cooperation by customers in subsequent surveys or inhibit customers from reporting service issues to FPC or the Commission	Disagree - Customer names are part of PSC Complaint Tracking System - Already a public record.
51.	FPSC Inquiry Activity (Customer Names)	2 of 15	Same as Item 50.	Disagree - Customer names are part of PSC Complaint Tracking System - Already a public record.

Items	Title of Document	Page	Comments	Status/Response
52.	FPSC Inquiry Activity (Customer Names)	3 of 15	Same as Item 50.	Disagree - Customer names are part of PSC Complaint Tracking System - Already a public record.
53.	FPSC Inquiry Activity (Customer Names)	4 of 15	Same as Item 50.	Disagree - Customer names are part of PSC Complaint Tracking System - Already a public record.
54.	FPSC Inquiry Activity (Customer Names)	5 of 15	Same as Item 50.	Disagree - Customer names are part of PSC Complaint Tracking System - Already a public record.
55.	FPSC Inquiry Activity (Customer Names)	6 of 15	Same as Item 50.	Disagree - Customer names are part of PSC Complaint Tracking System - Already a public record.
56.	FPSC Inquiry Activity (Customer Names)	7 of 15	Same as Item 50.	Disagree - Customer names are part of PSC Complaint Tracking System - Already a public record.
57.	FPSC Inquiry Activity (Customer Names)	8 of 15	Same as Item 50.	Disagree - Customer names are part of PSC Complaint Tracking System - Already a public record.
58.	FPSC Inquiry Activity (Customer Names)	9 of 15	Same as Item 50.	Disagree - Customer names are part of PSC Complaint Tracking System - Already a public record.
59.	FPSC Inquiry Activity (Customer Names)	10 of 15	Same as Item 50.	Disagree - Customer names are part of PSC Complaint Tracking System - Already a public record.
60.	FPSC Inquiry Activity (Customer Names)	11 of 15	Same as Item 50.	Disagree - Customer names are part of PSC Complaint Tracking System - Already a public record.
61.	FPSC Inquiry Activity (Customer Names)	12 of 15	Same as Item 50.	Disagree - Customer names are part of PSC Complaint Tracking System - Already a public record.



Item	Title of Document	Page	Company Justification	Staff Response
62.	FPSC Inquiry Activity (Customer Names)	13 of 15	Same as Item 50.	Disagree - Customer names are part of PSC Complaint Tracking System - Already a public record.
63.	FPSC Inquiry Activity (Reveals customer names)	14 of 15	Same as Item 50.	Disagree - Customer names are part of PSC Complaint Tracking System - Already a public record.
64.	FPSC Logged Customer Referrals ( reveals customer names).	1 of 9	Same as Item 50.	Disagree - Customer names are part of PSC Complaint Tracking System - Already a public record.
65.	FPSC - Courtesy Call Report (Each reveals customer names).	2 of 9	Same as Item 50.	Disagree - Customer names are part of PSC Complaint Tracking System - Already a public record.
66.	FPC Executive Complaints (Each reveals customer names).	3 of 9	Same as Item 50.	Agree
67.	FPC Executive Complaints (Each reveals customer names).	4 of 9	Same as Item 50.	Agree
68.	FPC Executive Complaints (Each reveals customer names).	5 of 9	Same as Item 50.	Agree
69.	FPC Executive Complaints (Each reveals customer names).	6 of 9	Same as Item 50.	Agree
70.	FPC Executive Complaints (Each reveals customer names).	7 of 9	Same as Item 50.	Agree
71.	FPC Executive Complaints (Each reveals customer names).	8 of 9	Same as Item 50.	Agree
72.	FPC Executive Complaints (Each reveals customer names).	9 of 9	Same as Item 50.	Agree