

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidential classification of certain material provided pursuant to Audit Control No. 00-222-4-1 by Florida Power & Light Company.

DOCKET NO. 001564-EI
ORDER NO. PSC-01-0276-CFO-EI
ISSUED: January 30, 2001

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION

On October 17, 2000, Florida Power and Light Company (FPL) filed a request pursuant to Rule 25-2.006, F.A.C., and Section 366.093, Florida Statutes, that certain portions of staff's working papers prepared during the audit of FPL's Operating Revenues receive confidential classification (Documents 12782-00 and 13160-00).

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), F.A.C., 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:

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 unless

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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 [in pertinent part]:

... b) Internal auditing controls and reports of internal auditors.

... e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. . . .

Rule 25-22.006(4)(c), F.A.C., 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. As set out in the attached chart, Attachment I, the materials for which confidential classification has been requested meet the requirements for exemption based on the applicable statutory categories.

Confidential classification is normally limited by the provisions of Section 366.093(4), Florida Statutes, to 18 months. The types of audit materials at issue here are retained by the Commission for a period exceeding 18 months. Confidential classification for documents continuing beyond the statutory 18 month period may therefore be sought prior to its expiration in accordance with Section 366.093(4), Florida Statutes, for good cause.

Based upon the foregoing, it is

ORDERED by Commissioner Michael A. Palecki as Prehearing Officer that Florida Power and Light Company's Request for Confidential Classification for Documents Nos. 12782-00 and 13160-00, is granted as indicated by the chart in Attachment I. 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

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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. It is further

ORDERED that this docket be closed.

By ORDER of Commissioner Michael A. Palecki as Prehearing Officer, this 30th day of January, 2001.



MICHAEL A. PALECKI, Commissioner and
Prehearing Officer

(S E A L)

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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)

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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.

ATTACHMENT I

Staff Work Paper Number	Page(s)	Line(s)	Disposition	Type of Information Classified Confidential
Documents 12782-00 and 13160-00				
9	1	1-3	Grant	Internal auditing controls or report of internal auditor
9	2	1-32	Grant	Internal auditing controls or report of internal auditor
9	3	1-11 Col A-C, lines 12-38	Grant	Internal auditing controls or report of internal auditor
9	4	1-2 Col A-C lines 3-24	Grant	Internal auditing controls or report of internal auditor
9	5	1-37	Grant	Internal auditing controls or report of internal auditor
9	6	1-38	Grant	Internal auditing controls or report of internal auditor
9	7	1-36	Grant	Internal auditing controls or report of internal auditor
9	8	1-35	Grant	Internal auditing controls or report of internal auditor
9	9	1-41	Grant	Internal auditing controls or report of internal auditor

Staff Work Paper Number	Page(s)	Line(s)	Disposition	Type of Information Classified Confidential
9	10	1-37	Grant	Internal auditing controls or report of internal auditor
9	11	1-32	Grant	Internal auditing controls or report of internal auditor
9	12	1-32	Grant	Internal auditing controls or report of internal auditor
9	13	1-22	Grant	Internal auditing controls or report of internal auditor
9	14	Col A-E, lines 3-23	Grant	Internal auditing controls or report of internal auditor
9	15	Col A, lines 2-18 Col B, lines 2-13 Col C, lines 2-7	Grant	Internal auditing controls or report of internal auditor
9	16	Col A-D, lines 2-50	Grant	Internal auditing controls or report of internal auditor
9	17	Col A-F, lines 5-52	Grant	Internal auditing controls or report of internal auditor
10-1	Request 4	1,2,4-7	Grant	Competitive information release of which could cause the provider of the information harm

Staff Work Paper Number	Page(s)	Line(s)	Disposition	Type of Information Classified Confidential
10-1	Request 5	1,2,4-7	Grant	Competitive information release of which could cause the provider of the information harm
10-1	Request 8	4-7	Grant	Competitive information release of which could cause the provider of the information harm
41-1/2-1/1	1	Col A-F, lines 1-7	Grant	Competitive information release of which could cause the provider of the information harm
41-1/2-1/2	1	Col A-P, lines 1-39	Grant	Competitive information release of which could cause the provider of the information harm
41-1/2-1/2	2	Col A-P, lines 1-38	Grant	Competitive information release of which could cause the provider of the information harm
41-1/2-1/3	1	1-6	Grant	Competitive information release of which could cause the provider of the information harm
41-1/2-1/3	2	1-5	Grant	Competitive information release of which could cause the provider of the information harm
41-1/2-1/4	1	1-16	Grant	Competitive information release of which could cause the provider of the information harm

Staff Work Paper Number	Page(s)	Line(s)	Disposition	Type of Information Classified Confidential
41-1/2-1/4	2	Col A-B, lines 1-30 Col C-D, lines 18-30 Col E, lines 25-28 31-36	Grant	Competitive information release of which could cause the provider of the information harm
41-1/2-1/4	3	Col A-B, lines 1-25 Col C-D, lines 18-25 Col E, lines 25-29 26-29	Grant	Competitive information release of which could cause the provider of the information harm
41-1/2-1/4	4	Col A-G, lines 1-31	Grant	Competitive information release of which could cause the provider of the information harm
41-1/2-1/5	1	1 Col B-F, lines 1-9	Grant	Competitive information release of which could cause the provider of the information harm
41-1/2-1/6	1	Col A-E, lines 1-35	Grant	Competitive information release of which could cause the provider of the information harm
41-1/2-1/6	2	Col A-B, line 1	Grant	Competitive information release of which could cause the provider of the information harm

Staff Work Paper Number	Page(s)	Line(s)	Disposition	Type of Information Classified Confidential
41-1/2-1/6	3	Col A-E, lines 1-37	Grant	Competitive information release of which could cause the provider of the information harm
41-1/2-1/6	4	Col A-B, line 1	Grant	Competitive information release of which could cause the provider of the information harm
41-1/2-1/6	5	Col A-E, lines 1-36	Grant	Competitive information release of which could cause the provider of the information harm
41-1/2-1/6	6	Col A-B, line 1	Grant	Competitive information release of which could cause the provider of the information harm
41-1/2-1/6	7	Col A-E, lines 1-37	Grant	Competitive information release of which could cause the provider of the information harm
41-1/2-1/6	8	Col A-B, line 1	Grant	Competitive information release of which could cause the provider of the information harm
41-1/2-1/6-1	1	1-3	Grant	Competitive information release of which could cause the provider of the information harm
41-1/2-1/6-1	2	1-4 Col A-D, lines 5-21	Grant	Competitive information release of which could cause the provider of the information harm

Staff Work Paper Number	Page(s)	Line(s)	Disposition	Type of Information Classified Confidential
41-1/2-2	1	1 Col A-D, lines 2-6 7-11	Grant	Competitive information release of which could cause the provider of the information harm
41-1/2-3		Lines 1-14	Grant	Competitive information release of which could cause the provider of the information harm