

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery  
clause.

DOCKET NO. 120002-EG  
ORDER NO. PSC-12-0569-CFO-EG  
ISSUED: October 24, 2012

ORDER GRANTING FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL  
CLASSIFICATION OF DOCUMENT NOS. 04846-10 AND 05250-10

Pursuant to section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Public Utilities Company (FPUC) filed a request for extension of confidential classification for certain portions of staff's working papers prepared during its energy conservation cost recovery audit for the year ending December 31, 2010. Order No. PSC-10-0675-CFO-EG, issued November 12, 2010, granted confidential classification for the documents. FPUC has now requested that the period of time for confidential treatment be extended for the information contained in Document Nos. 04846-10 and 05250-10. FPUC further requests that the information be returned to FPUC as soon as it is no longer necessary for the Commission to conduct its business. Since audit materials of the type contained in these documents must be retained by the Commission for 25 years, the documents cannot be returned to FPUC at this time.

Section 366.093(1), Florida Statutes, provides that records that the Commission has found to contain proprietary confidential business information shall be kept confidential and shall be exempt from Chapter 119, Florida Statutes, Florida's Public Records Act. Section 366.093(3), Florida Statutes, defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Section 366.093(3), Florida Statutes, provides that proprietary confidential business information includes:

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

FPUC asserts that the information for which it seeks confidential status consists of specific payroll allocations and payout amounts associated with a specific employee. FPUC further asserts that it maintains salary, compensation, and employee account information confidential in order to prevent other entities from raiding FPUC for its highly qualified, skilled employees. FPUC contends that the information for which it is requesting renewal of confidential classification is entitled to that classification pursuant to Section 366.093(3)(e), F.S., as proprietary confidential business information, the disclosure of which would impair the company's ability to compete for services, as well as its ability to retain qualified employees. FPUC requests confidential classification for the information located Document Nos. 04846-10 and 05250-10.

Upon review, it appears that the requested information satisfies the criteria set forth in Section 366.093(3)(e), F.S. The information contains competitive business information, the

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disclosure of which would impair the company's ability to compete for services and impair the competitive interests of its customers. Therefore, renewal of the confidential classification for Documents Nos. 04846-10 and 05250-10 is granted.

Section 366.093(4), F.S., limits the duration of confidential classification or the extension of confidential classification to 18 months, unless there is good cause to extend the protection for a specified longer period. I find that confidentiality shall be extended for 18 months. If necessary, FPUC may request an additional extension at the appropriate time.


Based on the foregoing, it is

ORDERED by Commissioner Eduardo E. Balbis, as Prehearing Officer, that the information described in the body of this Order and contained in Document Nos. 04846-10 and 05250-10 shall be granted an additional 18 months of confidential classification. It is further

ORDERED that pursuant to Rule 25-22.066, F.A.C., and Section 366.093(3), F.S., confidentiality granted to the documents specified herein shall expire 18 months from the date of the issuance of this Order in the absence of a renewed request for confidentiality. 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 Eduardo E. Balbis, as Prehearing Officer, this 24th day of October, 2012.

  
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, 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 wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, 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.