

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Gulf Power Company's request for confidential treatment of certain information contained in report entitled Review of Gulf Power Company's Quality Assurance Process for Distribution Construction.

DOCKET NO. 090484-EI  
ORDER NO. PSC-14-0689-CFO-EI  
ISSUED: December 12, 2014

ORDER GRANTING GULF POWER COMPANY'S REQUEST FOR EXTENDED CONFIDENTIAL CLASSIFICATION GRANTED BY ORDER NOS. PSC-09-0802-CFO-EI, PSC-11-0283-PCO-EI, AND PSC-13-0201-PCO-EI (DOCUMENT NO. 11174-09)

On November 12, 2014, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Gulf Power Company (Gulf) filed its Request for Extended Confidential Classification (Request) for information contained in Staff Document PA-09-02-006, "Review of Gulf Power Company's Quality Assurance Process for Distribution Construction" (the Staff Review) (Document No. 11174-09).

Request for Extended Confidential Classification

Gulf's original request for confidential classification was granted by Order No. PSC-09-0802-CFO-EI, issued December 3, 2009, for certain specified information in the Staff Review, specifically, Lines 1 and 2 on Page 20 and the entirety of Page 21. On May 19, 2011, Gulf requested that confidential treatment for that same information contained in Document No. 11174-09, be extended for an additional 18 months. This request was granted by Order No. PSC-11-0283-PCO-EI, issued June 29, 2011. On December 19, 2012, Gulf filed a request for an additional 18 month extension of confidential classification of the information contained in Document No. 11174-09, which was granted by Order No. PSC-13-0201-PCO-EI, issued May 17, 2013. Gulf contends that the information that was the subject of Order Nos. PSC-09-0802-CFO-EI, PSC-11-0283-PCO-EI, and PSC-13-0201-PCO-EI warrants continued treatment as proprietary and confidential business information.

Gulf asserts that the information contained on Lines 1 and 2 of Page 20 and the entirety of Page 21 of the Staff Review contains findings and results of an audit performed by Gulf's agent pertaining to its distribution construction quality assurance processes. Gulf specifically alleges the confidential information consists of findings from a 2005 risk assessment audit performed by an independent audit company, AEGIS. Gulf asserts that the findings contained in the audit and Gulf's responses are still relevant to its distribution construction quality assurance processes. Gulf further contends that this information remains confidential for the reasons articulated in Gulf's previous requests and in Order Nos. PSC-09-0802-CFO-EI, PSC-11-0283-PCO-EI, and PSC-13-0201-PCO-EI, and that the information remains proprietary confidential business information within the meaning of Section 366.093(3)(b), F.S., since it relates to internal auditing controls and reports of internal auditors. Gulf asserts that the information is intended to be and has been treated as confidential by Gulf and has not been publicly disclosed.

Ruling

Section 366.093(1), F.S., provides that records the Florida Public Service Commission (Commission) has found to contain proprietary business information shall be kept confidential and shall be exempt from Chapter 119, F.S. Section 366.093(3), F.S., 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), F.S., provides that proprietary confidential business information includes, but is not limited to:

(b) Internal auditing controls and reports of internal audits.

Upon review, it appears the above-referenced information satisfies the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information. The information described above appears to be information related to internal auditing controls and reports of internal auditors, the disclosure of which would impair the competitive business of the provider of the information. Thus, the information identified in Document No. 11174-09 shall be granted a continuation of confidential classification.

Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of up to 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless DEF or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

Based on the foregoing, it is hereby

ORDERED by Commissioner Julie I. Brown, as Prehearing Officer, that Gulf Power Company's Request for Extended Confidential Classification of information contained in Document No. 11174-09 is granted, as set forth herein. It is further

ORDERED that the information in Document Number 11174-09, for which confidential classification has been granted, shall remain protected from disclosure for a period of up to 18 months from the date of this Order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein. It is further

ORDERED that this docket shall be closed.

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 12th day of  
December, 2014.



JULIE I. BROWN  
Commissioner and Prehearing Officer  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
www.floridapsc.com

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

KWC

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.