

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Duke Energy Florida, Inc.'s request for confidential treatment of certain information contained in report entitled review of physical security protection of utility substations and control centers.

DOCKET NO. 140235-EI
ORDER NO. PSC-15-0105-CFO-EI
ISSUED: February 16, 2015

ORDER GRANTING DUKE ENERGY FLORIDA, INC.'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION (DOCUMENT NO. 06533-14)

On December 1, 2014, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Duke Energy Florida, Inc. (Duke) filed a request for confidential classification of documents contained in Staff's Review of Physical Security Protection of Utility Substations and Control Centers Audit Control No. PA-14-5-003. Specifically, it seeks confidential classification of Document No. 06533-14.

Request for Confidential Classification

Duke asserts that Document No. 06533-14 contains details of Duke's physical security measures, procedures, and systems for protection of its transmission, distribution, and control center facilities. Duke asserts the public disclosure of this information would impair Duke's ability to properly secure its facilities, systems, and personnel. Duke states that the information constitutes "proprietary confidential business information" and is exempt from disclosure under Section 366.093(3)(c), F.S. Duke contends the information is intended to be and has been treated as confidential by Duke and has not been publicly disclosed. Moreover, Duke states the information will remain highly sensitive and confidential beyond the standard eighteen (18) month timeframe and should not be declassified for a period of at least four (4) years pursuant to Section 366.093(4), F.S.

Ruling

Section 366.093(1), F.S., provides that records the Florida Public Service 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)(c), F.S., provides that proprietary confidential business information includes "security measures, systems, or procedures."

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 security measures, systems, or

procedures. Public disclosure of this information would harm the company or its ratepayers. Thus, the information identified in Document No. 06533-14 shall be granted confidential classification.

Section 366.093(4), F.S., states that the period for confidential classification may not exceed eighteen (18) months “unless the Commission finds, for good cause, that the protection from disclosure shall be for a specified longer period.” Upon review of its request, Duke has shown good cause to allow confidential classification for a period of four (4) years. 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 four (4) years from the date of issuance of this Order. At the conclusion of the four (4) year period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless Duke 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

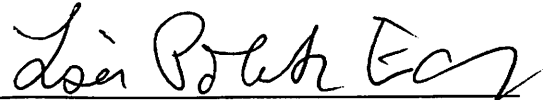
ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that Duke Energy Florida, Inc.’s Request for Confidential Classification of information contained in Document No. 06533-14 is granted, as set forth herein. It is further

ORDERED that the information in Document Number 06533-14, for which confidential classification has been granted, shall remain protected from disclosure for a period of four (4) years 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 Lisa Polak Edgar, as Prehearing Officer, this 16th day of
February, 2015.



LISA POLAK EDGAR
Commissioner and Prehearing Officer
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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.

AEH

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.