

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Duke Energy Florida's request for confidential treatment of certain information contained in report entitled Review of Data Accuracy in Electric Reliability Reporting by Florida Electric IOUs.

DOCKET NO. 150216-EI
ORDER NO. PSC-15-0551-CFO-EI
ISSUED: December 2, 2015

ORDER GRANTING DUKE ENERGY FLORIDA, INC.'S REQUEST FOR CONFIDENTIAL CLASSIFICATION (DOCUMENT NO. 04425-15)

On July 15, 2015, pursuant to Section 366.093, Florida Statutes, (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Duke Energy Florida, Inc. (DEF) filed a Request for Confidential Classification (Request) of documents contained in Staff's audit workpapers PA-15-01-003 pertaining to Staff's Review of Data Accuracy in Electric Reliability. Specifically, it seeks confidential classification of Document No. 04425-15.

Request for Confidential Classification

DEF asserts that Document No. 04425-15 contains information, which is more specifically described in the justification table in Exhibit C of its Request, that constitutes "proprietary confidential business information" entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. The justification table provides support for confidential classification of the information in each section of Document No. 04425-15 on a line-by-line, column-by-column basis. DEF asserts that this information is intended to be and is treated by DEF as private and has not been publicly disclosed.

DEF contends that Document No. 04425-15 contains information concerning DEF's internal processes and procedures which if disclosed, could affect its ability to accurately report reliability issues and impair the interests of both DEF and its customers. DEF asserts this information is protected "proprietary confidential business information" and is exempt from disclosure under Section 366.093(3), F.S.

Additionally, DEF contends that Document No. 04425-15 contains employee personnel information, the disclosure of which could impair its efforts to protect internal business interests. DEF asserts this information is protected "proprietary confidential business information" and is exempt from disclosure under Section 366.093(3), F.S.

Ruling

Section 366.093(1), F.S., provides that records the 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:

(a) Trade secrets.

(e) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

Upon review, it appears that the information described above satisfies the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information. The information described above and in Exhibit C to DEF's Request appears to be internal reliability processes and procedures, which constitute trade secrets, and employee personnel information unrelated to compensation, duties, qualifications, or responsibilities. Thus, the information identified in Document No. 04425-15 shall be granted 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 therefore

ORDERED by Commissioner Julie I. Brown, as Prehearing Officer, that Duke Energy Florida, Inc.'s Request for Confidential Classification of information contained in Document No. 04425-15 is granted, as set forth herein. It is further

ORDERED that the information in Document Number 04425-15, for which confidential classification has been granted, shall remain protected from disclosure for a period of eighteen (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

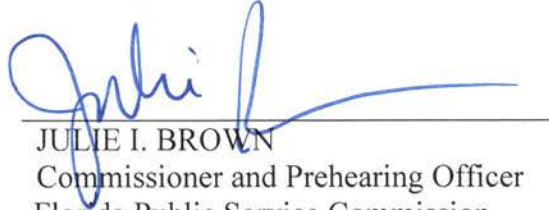
ORDERED that this docket shall be closed.

ORDER NO. PSC-15-0551-CFO-EI

DOCKET NO. 150216-EI

PAGE 3

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 2nd day
of December, 2015.



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.

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.