

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery  
clause.

DOCKET NO. 160002-EG  
ORDER NO. PSC-16-0463-CFO-EG  
ISSUED: October 14, 2016

ORDER GRANTING CONFIDENTIAL CLASSIFICATION  
FOR AUDIT WORKPAPERS DOCUMENT NO. 03427-16

On July 15, 2016, pursuant to section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Public Utilities Corporation (FPUC) filed a request for confidential classification of certain materials provided pursuant to staff's Audit Control No. 16-019-1-8, Document No. 05100-16, cross-reference Document No. 03427-16. The documents are currently held by the Commission's Office of the Commission Clerk as confidential pending resolution of FPUC's request for confidential classification. FPUC asserts that the confidential information in the documents is intended to be proprietary, is treated as proprietary, and has not been publicly disclosed. FPUC requests that the Commission grant confidential classification for the documents for a period of 18 months from the date of the issuance of this Order, pursuant to Section 366.093(4), Florida Statutes.

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:

- (a) Trade secrets.
- (b) Internal auditing controls and reports of internal auditors.
- (c) Security measures, systems, or procedures.
- (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

FPUC asserts that the information for which it seeks confidential status consists of audit work papers that contain information which has been treated by FPUC as highly confidential and has not been publicly disclosed, including specific payroll allocations and payout amounts associated with a specific employee. FPUC asserts that this information, if disclosed, would impair the efforts of FPUC to compete for services, as well as its ability to attract and retain qualified employees. FPUC contends that the information for which it is requesting confidential classification is entitled to that classification pursuant to Section 366.093(3), Florida Statutes, as proprietary confidential business information.

Upon review, it appears that the above-referenced information satisfies the criteria set forth in Section 366.093(3), Florida Statutes. The information contains internal audit work papers that contain information specific to payroll allocations and payout amounts associated with a specific employee. FPUC asserts that this information, if disclosed, would impair the efforts of FPUC to compete for services, as well as its ability to attract and retain qualified employees. Therefore, I grant confidential classification for Documents Nos. 05100-16, cross-reference 03427-16

Pursuant to Section 366.093(4), Florida Statutes, the information for which confidential classification is granted herein shall remain protected from disclosure for a period of 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), Florida Statutes, unless FPL or another affected person shows, and the Commission finds, that the information continues to contain proprietary confidential business information.

Based on the foregoing, it is

ORDERED by Commissioner Art Graham, as Prehearing Officer, that Florida Public Utilities Corporation's request for confidential classification of portions of Documents Nos. 05100-16, cross-reference 03427-16, is granted. It is further

ORDERED that the information for which confidential classification has been requested will be granted confidential classification for a period of 18 months from the date of the issuance of this Order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Commissioner Art Graham, as Prehearing Officer, this 14th day  
of October, 2016.



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ART GRAHAM  
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.

TLT/SAC

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.