

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidential classification of audit work papers of staff's audit report entitled Review of Duke Energy Florida, LLC d/b/a Duke Energy's Quality Assurance Process for Distribution Construction.

DOCKET NO. 20130054-EI
ORDER NO. PSC-2018-0129-CFO-EI
ISSUED: March 8, 2018

ORDER GRANTING DUKE ENERGY FLORIDA, LLC'S THIRD REQUEST FOR
EXTENSION OF CONFIDENTIAL CLASSIFICATION OF
DOCUMENT NO. 00953-2013

On December 29, 2017, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Duke Energy Florida, LLC ("DEF") filed its Third Request for Extension of Confidential Classification of certain information contained in the Florida Public Service Commission (Commission) staff's audit report, Progress Energy Florida Inc.'s, Quality Assurance Process for Distribution Construction. (Document No. 00953-2013).

Request for Confidential Classification

DEF's original request for confidential treatment of information was granted by Order No. PSC-13-0144-CFO-EI, issued on March 27, 2013. On October 22, 2014, the Commission issued Order No. PSC-14-0600-CFO-EI, granting DEF's first request for extension of confidential information. On July 7, 2016, the Commission issued Order No. PSC-16-0260-CFO-EI, which granted DEF's second request for extension of confidential information. DEF asserts that all of the information that was the subject of Order No. PSC-16-0260-CFO-EI warrants continued treatment as proprietary and confidential business information.

DEF contends that the information contained in Document No. 00953-2013 constitutes proprietary and confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. DEF further states that this information is intended to be and is treated by DEF as private and has not been publicly disclosed.

DEF further asserts that the information sought to be protected warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3), F.S. DEF contends that such information includes sensitive business information such as internal audit results, policies and procedures, contract terms and sensitive employee information. Finally, DEF states that the disclosure of this information would compromise DEF's ability to effectively perform internal audits of its projects and procedures and thereby harm DEF's competitive business interests.

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 that has not been voluntarily disclosed to the public. Section 366.093(3), F.S., provides, in pertinent part that proprietary confidential business information includes, but is not limited to:

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

Upon review, it appears the above-referenced information satisfies the criteria set forth in Section 366.093(3)(b), F.S., for classification as proprietary confidential business information. The information described above and in DEF's request appears to contain information concerning internal auditing controls and reports of internal auditors the disclosure of which would impair the efforts of DEF to protect internal business information. Thus, the information identified in Document No. 00953-2013 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 Duke Energy Florida, LLC's Third Request for Extension of Confidential Classification of Document No. 00953-2013 is granted. It is further

ORDERED that the information in Document No. 00953-2013, for which confidential classification has been granted, shall remain protected from disclosure for a period of up to 18 months from the date of issuance 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.

ORDERED that this docket shall be closed.

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 8th day of March, 2018.



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.

PHP

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.