

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: In the Matter of Florida  
Power & Light Company's Request  
for Confidential Classification  
in the Contracts for Computer  
Work Audit.

DOCKET NO. 971046-EI  
ORDER NO. PSC-97-1313-CFO-EI  
ISSUED: October 22, 1997

ORDER GRANTING FLORIDA POWER AND LIGHT COMPANY'S REQUEST  
FOR CONFIDENTIAL CLASSIFICATION OF DOCUMENT NOS.  
07746-97, 07747-97, 07748-97 AND 08209-97

On August 13, 1997, Florida Power and Light Company (FPL) filed a request pursuant to Rule 25-22.006 and Section 366.093, Florida Statutes, that certain portions of the staff working papers obtained during the staff's audit of FPL's Contracts for Computer Work for the twelve month period ended December 31, 1996 receive confidential classification (Document No. 08209-97).

At the audit conference on July 23, 1997, FPL requested that portions of the staff audit report and certain staff working papers (Document Nos. 07746-97, 07747-97 and 07748-97) be temporarily exempted from public access pursuant to Rule 25-22.006 (3)(a)(2), Florida Administrative Code.

Documents submitted to governmental agencies in Florida are public records. The only exceptions are the specific statutory exemptions provided in the law and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. This is based on the concept that government should operate in the "sunshine."

Rule 25-22.006(4), Florida Administrative Code, provides that it is the company's burden to demonstrate that the documents fall into one of the statutory examples set out in section 366.093, Florida Statutes, or to demonstrate that the information is proprietary confidential information, the disclosure of which will cause the company or its ratepayers harm.

Section 366.093(3), Florida Statutes, provides the following definition for proprietary confidential business information:

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

The term 'proprietary confidential business information' means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. The term includes, but is not limited to:

- (a) Trade secrets.
- (b) Internal auditing controls and reports of internal auditors.
- (c) Security measures, systems, or procedures.
- (d) Information concerning bids on other contractual data, the disclosure of which would impair the efforts of the company 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 information.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

Rule 25-22.006(4)(c), Florida Administrative Code, requires that the company demonstrate by a line-by-line or field-by-field justification how the information asserted to be confidential qualifies as one of the statutory examples listed in section

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366.093(3), Florida Statutes. If no statutory example is applicable, then the company shall include a statement explaining how the ratepayers or the company's operations will be harmed by disclosure.

FPL has asked for confidential classification for the documents listed above based on the following statutory exemptions: Internal auditing controls and reports of internal auditors; security measures, systems, or procedures, information concerning bids or other contractual data...; Information relating to competitive interests...

As set out in the attached chart, Attachment I, the materials for which confidential classification has been requested meet the requirements for exemption based on the applicable statutory categories.

FPL requested the period of confidential classification to last "until the Commission no longer needs the material to conduct its business." Document 08209-97 will accordingly be returned at the expiration of the statutory confidentiality period of 18 months. Document Nos. 07746-97, 07747-97, and 07748-97 present the original Commission staff audit work papers or audit report. These documents form the basis for subsequent staff audits and will be retained.

However, confidential classification for those documents continuing beyond the statutory 18 month period may be sought prior to its expiration in accordance with section 366.093(4), Florida Statutes, for good cause.

Based upon the foregoing, it is

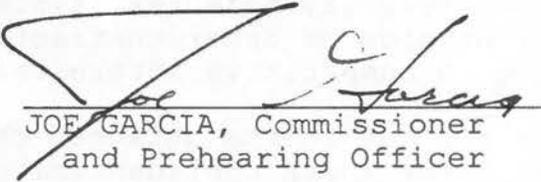
ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that Florida Power and Light Company's Request for Confidential Classification for Document Nos. 07746-97, 07747-97, 07748-97 and 08209-97 is granted as indicated by the chart in Attachment I. It is further

ORDERED that pursuant to section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of issuance of this Order in the absence of a renewed request for confidentiality pursuant to section 366.093. It is further

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

By ORDER of Commissioner Joe Garcia as Prehearing Officer, this 22nd day of October, 1997.

  
JOE GARCIA, Commissioner  
and Prehearing Officer

( S E A L )

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Staff Work paper Number	Page Number(s)	Lines	Recommend	Reason
Documents 07746-97 and 08209-97				
1	2,5,7	All	Grant	Reports bids or other contractual data
Documents 07747-97 and 08209-97				
9 Summary	1	All	Grant	Pertains to reports of internal auditors
9	1,2	ALL	Grant	Pertains to reports of internal auditors
9-1	1-3	All	Grant	Pertains to reports of internal auditors
9-2	1-3	All	Grant	Pertains to reports of internal auditors
9-3	1-3	All	Grant	Pertains to reports of internal auditors
9-4	1	All	Grant	Pertains to reports of internal auditors
9-5	1-2	All	Grant	Pertains to reports of internal auditors
9-6	1-2	All	Grant	Pertains to reports of internal auditors
9-7	1-5	All	Grant	Pertains to reports of internal auditors
9-8	1-2	All	Grant	Pertains to reports of internal auditors
9-9	1-2	All	Grant	Pertains to reports of internal auditors
9-10	1	All	Grant	Pertains to reports of internal auditors
9-11	1	All	Grant	Pertains to reports of internal auditors

Staff Work paper Number	Page Number(s)	Lines	Recommend	Reason
Documents 07747-97 and 08209-97				
9-12	1	All	Grant	Pertains to reports of internal auditors
9-13	1	All	Grant	Pertains to reports of internal auditors
9-14	1	All	Grant	Pertains to reports of internal auditors
9-15	1-2	All	Grant	Pertains to reports of internal auditors
9-16	1	All	Grant	Pertains to reports of internal auditors
9-17	1	All	Grant	Pertains to reports of internal auditors
9-18	1	All	Grant	Pertains to reports of internal auditors
9-19	1-2	All	Grant	Pertains to reports of internal auditors
9-20	1-2	All	Grant	Pertains to reports of internal auditors
9-21	1	All	Grant	Pertains to reports of internal auditors
9-22	1-4	All	Grant	Pertains to reports of internal auditors
9-23	1-11	All	Grant	Pertains to reports of internal auditors
9-24	1-9	All	Grant	Pertains to reports of internal auditors
9-25	1-4	All	Grant	Pertains to reports of internal auditors
10	5	15-20	Grant	Reports bids or other contractual data

Staff Work paper Number	Page Number(s)	Lines	Recommend	Reason
Documents 07747-97 and 08209-97				
10	7	9,18-28	Grant	Reports bids or other contractual data
10	8	8-18,22-33	Grant	Reports bids or other contractual data
10	9	1-4	Grant	Reports bids or other contractual data
10	11	All	Grant	Reports bids or other contractual data
44-3	1-37	All	Grant	Reports Security Information
45 Summary	1	12-35	Grant	Reports bids or other contractual data
45 Summary	4	All	Grant	Reports bids or other contractual data
45	1-19	All lines Columns B, E, F, G, H	Grant	Reports bids or other contractual data
45-1	1	2, 3, 10, 15-24, 26, 28-32	Grant	Reports bids or other contractual data
45-1	2	All	Grant	Reports bids or other contractual data
45-1/1	1	All	Grant	Reports bids or other contractual data
45-1/1-1	1	All	Grant	Reports bids or other contractual data
45-1/1-1/1	1	All	Grant	Reports bids or other contractual data
45-1/1-1/2	1	All	Grant	Reports bids or other contractual data

Staff Work paper Number	Page Number(s)	Lines	Recommend	Reason
Documents 07747-97 and 08209-97				
45-1/1-1/3	1	All	Grant	Reports bids or other contractual data
45-1/2	1	9-21	Grant	Reports bids or other contractual data
45-1/2	2-5	All	Grant	Reports bids or other contractual data
45-1/3	1	11-15,19-20, 22-35	Grant	Reports information related to competitive interests
45-1/3-1	1-2	All	Grant	Reports information related to competitive interests
45-1/3-1	3	Last 4 entries in Column A  Line 10  Columns C, D, E, F, G	Grant	Reports information related to competitive interests
45-1/3-1	4, 5, 6, 7	All	Grant	Reports information related to competitive interests
45-1/4	1-3	All	Grant	Reports bids or other contractual data
45-1/4-1	1-4	All	Grant	Reports bids or other contractual data
45-1/5	1, 3	All	Grant	Reports bids or other contractual data
45-1/5-1	1-16	All	Grant	Reports bids or other contractual data

Staff Work paper Number	Page Number(s)	Lines	Recommend	Reason
Documents 07747-97 and 08209-97				
45-1/5-1/1	1	Line 10 Column A & B  Line 11 Column A  Line 12 Column A  Line 13 Column C	Grant	Reports bids or other contractual data
45-1/5-1/1	2	Lines 13, 14, 23 Column E  Lines 18, 22, 24, 28, 32 Column B	Grant	Reports bids or other contractual data
45-1/5-1/1	3	All lines Column B  lines 23, 25, 35 Column D	Grant	Reports bids or other contractual data
45-1/5-1/1	4	All lines Column B  lines 9-14, 16 Column D	Grant	Reports bids or other contractual data
45-1/5-2	1	All	Grant	Reports bids or other contractual data
45-1/5-2/1	1	3, 4, 8, 9, 10, 14, 15, 16, 17	Grant	Reports bids or other contractual data

Staff Work paper Number	Page Number(s)	Lines	Recommend	Reason
Documents 07747-97 and 08209-97				
45-1/5-2/2	1-3	All	Grant	Reports bids or other contractual data
45-1/6-1	1-86	Lines 2,3 Columns E, J, M, N	Grant	Reports bids or other contractual data
45-1/6-1/1	1-3	Line 2 Line 3,4 Columns B, F, G	Grant	Reports bids or other contractual data
45-2	1	7, 8, 9, 16-19, 20, 22-31	Grant	Reports bids or other contractual data
45-2	2	17-19, 35	Grant	Reports bids or other contractual data
45-2/1	1	Lines 5, 6, 7, 32 Lines 10-29 Columns A, B, C	Grant	Reports bids or other contractual data
45-2/1	2	1-30	Grant	Reports bids or other contractual data
45-2/1-1	I-12	All	Grant	Reports bids or other contractual data
45-2/1-1/ 1-1	1	2-7, 12-24	Grant	Reports bids or other contractual data
45-2/1-1/ 1-1	2	2, 3, 5-21	Grant	Reports bids or other contractual data
45-2/1-3	1-2	All	Grant	Reports bids or other contractual data

Staff Work paper Number	Page Number (s)	Lines	Recommend	Reason
Documents 07747-97 and 08209-97				
45-2/1-4	1-5	All	Grant	Reports bids or other contractual data
45-2/1-4/1	1	8-30	Grant	Reports bids or other contractual data
45-2/1-4/1	2	1-21,25-27	Grant	Reports bids or other contractual data
45-2/1-4/1	3	All	Grant	Reports bids or other contractual data
45-2/1-5	1-2	All	Grant	Reports bids or other contractual data
45-2/1-6	1	2-3 Columns A, B, C, D	Grant	Reports bids or other contractual data
45-2/1-6/1	1-19	All	Grant	Reports bids or other contractual data
45-2/1-7	1	All	Grant	Reports bids or other contractual data
Documents 07748-97 and 08209-97				
45-3	1	7-26	Grant	Reports bids or other contractual data
45-3	2	17-19,36	Grant	Reports bids or other contractual data
45-3/1	1-3	All	Grant	Reports bids or other contractual data
45-3/2	1	All	Grant	Reports bids or other contractual data

Staff Work paper Number	Page Number(s)	Lines	Recommend	Reason
Documents 07748-97 and 08209-97				
45-3/2-1  (Requested in error - withdrawn)	1-4	All	Deny	<del>Work papers numbered 45-3/2-1 (4 pages) entitled "Outsourcing Vendor Presentation" were not found among staff's working papers or in the utility filing.</del>
45-3/2-1	1	5, 8, 12, 16-22	Grant	Reports bids or other contractual data
45-3/2-1	2	All	Grant	Reports bids or other contractual data
45-3/2-1/1	1	2, 7, 11, 12, 14, 16, 17, 21, 22	Grant	Reports bids or other contractual data
45-3/2-1/ 1-1	1	3, 4, 11, 13, 15-23	Grant	Reports information related to competitive interests
45-3/3	1-3	All	Grant	Reports bids or other contractual data
45-3/3-1	1-3	All	Grant	Reports bids or other contractual data
45-3/4	1-11	All	Grant	Reports bids or other contractual data
45-3/5	1	Columns B, C, E	Grant	Reports bids or other contractual data
45-3/6	1	Lines 2, 3 Columns E, J, M, N	Grant	Reports bids or other contractual data
45-3/6-1	1, 2	Line 3 Columns B, F, G	Grant	Reports bids or other contractual data

Staff Work paper Number	Page Number (s)	Lines	Recommend	Reason
Documents 07748-97 and 08209-97				
45-4	1	2, 3, 9, 11, 12, 15-20, 25-30, 33	Grant	Reports bids or other contractual data
45-4	2	2-22, 26-33	Grant	Reports bids or other contractual data
45-4/1	1-7	All	Grant	Reports bids or other contractual data
45-4/2	1-3	All	Grant	Reports bids or other contractual data
45-4/3	2-16, 36, 38, 40, 42, 44-46	All	Grant	Reports bids or other contractual data
45-4/3-1	1	All	Grant	Reports bids or other contractual data
45-4/4	1-29	All	Grant	Reports bids or other contractual data
45-4/5	1, 2	Lines 2, 3 Column E, J, M, N	Grant	Reports bids or other contractual data
45-4/5	3	Lines 2, 3 Column E, J, M, N  Line 9	Grant	Reports bids or other contractual data
45-4/5-1	1, 2	Lines 2, 3  Column D	Grant	Reports bids or other contractual data
45-4/5-1	3	Line 1a  Lines 2, 3  Column D	Grant	Reports bids or other contractual data

Staff Work paper Number	Page Number (s)	Lines	Recommend	Reason
Documents 07748-97 and 08209-97				
45-5 Summary	1	Line 2, 7, 8, 10-12, 15, 16, 25-46, 50-53	Grant	Reports bids or other contractual data
45-5 Summary	2-10, 12-20, 22-26	All	Grant	Reports bids or other contractual data
45-5/1	1-12	All	Grant	Reports bids or other contractual data
45-5/1-1	1	All	Grant	Reports bids or other contractual data
45-5/2	1-11	Line 2 Columns C, D	Grant	Reports bids or other contractual data
45-5/3	1-9	Line 2 Columns C, D	Grant	Reports bids or other contractual data
45-5/4	1-9	Line 2 Column C, D	Grant	Reports bids or other contractual data
45-5/5	1-2	All	Grant	Reports bids or other contractual data
45-6 Summary	1	10-30	Grant	Reports bids or other contractual data
45-6 Summary	2-6	All	Grant	Reports bids or other contractual data
45-6/1	1-7	All	Grant	Reports bids or other contractual data
45-2/1-1	1-5	All	Grant	Reports bids or other contractual data

Staff Work paper Number	Page Number(s)	Lines	Recommend	Reason
Documents 07748-97 and 08209-97				
45-6/1-2	1	All	Grant	Reports bids or other contractual data
47 Summary	1	All	Grant	Reports bids or other contractual data
47-1	1	Columns B,C	Grant	Reports bids or other contractual data
47-1/1	1	Columns A,E	Grant	Reports bids or other contractual data
47-1/1	2-25	Columns B,F	Grant	Reports bids or other contractual data
47-1/1-1	1	Columns F,H,K,M	Grant	Reports bids or other contractual data
47-1/1-1	2	Lines 2,3 Columns F,H,K,M	Grant	Reports bids or other contractual data
47-1/1-2	1-24	Columns A,H,J,K	Grant	Reports bids or other contractual data