

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy Conservation Cost
Recovery Clause.

DOCKET NO. 980002-EG
ORDER NO. PSC-98-0711-CFO-EG
ISSUED: May 22, 1998

ORDER DENYING FLORIDA POWER & LIGHT COMPANY'S REQUEST
FOR CONFIDENTIAL CLASSIFICATION OF CERTAIN MATERIAL AND RETURNING
CERTAIN OTHER MATERIAL OBTAINED DURING STAFF'S AUDIT REVIEW
(DOCUMENT NOS. 01207-97 AND 13757-96)

On December 27, 1996, staff filed Document No. 13757-96 consisting of certain staff working papers obtained during the staff's audit of Florida Power & Light Company's (FPL) Energy Conservation Cost Recovery Clause filings for the twelve month period ended September 30, 1996. When the audit exit meeting was held on December 19, 1996, the utility requested that selected working papers be temporarily excepted from public access in accordance with the provisions of Section 366.093, Florida Statutes and Rule 22.006 (3) (a) (2), Florida Administrative Code.

On January 31, 1997, the utility filed a request pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, that certain portions of the staff working papers obtained during the energy conservation cost recovery clause audit receive confidential classification. The information for which the utility sought confidential classification is contained in Document Nos. 01207-97 and 013757-96.

To have been a timely request for confidential classification, FPL would have had to file its request for confidential classification on or before January 9, 1997. Because the utility requested confidential classification more than 21 days after the exit interview, the information for which confidential classification is sought could not be granted exemption from Section 119.07, Florida Statutes, even if this Commission determined that the information would normally have been entitled to confidential classification unless the company filed a petition for rule waiver.

In this request, FPL seeks confidential classification of billing histories and customer specific demand and energy data. This information, however, was only read by the staff auditor and returned to the company. The auditor received a receipt from the

DOCUMENT NUMBER-DATE

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utility for the return of this information. The utility subsequently refiled this information with its request for confidential classification. This information is not needed by the Commission or its auditors and should be returned to FPL.

FPL also seeks confidential classification of partial employee Social Security numbers. FPL claims that these employee identification numbers created from partial Social Security numbers are entitled to confidential classification because of past Commission Orders such as PSC-97-1129-CFO-EI issued September 25, 1997 in Docket No. 970007-EI. Employee Social Security numbers would be entitled to confidential classification, however, in this instance the entire number is not used. FPL uses a portion of the Social Security number as a method of identifying its employees. The Social Security Administration advises that disclosure of partial Social Security numbers is not a violation of any right to privacy. Therefore, the partial Social Security numbers used by FPL to identify its employees are not granted confidential classification.

Based on the foregoing, it is therefore

ORDERED by Susan F. Clark, as Prehearing Officer, that Florida Power & Light Company's request for confidential classification of certain material obtained during staff's audit review contained in Document Nos. 01207-97 and 13757-96 is denied.

ORDERED that material related to customer specific information and billing histories is to be returned to Florida Power & Light Company. It is further

ORDERED that employee partial Social Security numbers used as identification numbers are denied confidential classification.

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By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 22nd Day of May, 1998.



SUSAN F. CLARK
Commissioner and Prehearing Officer

(S E A L)

GAJ

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, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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

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reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, 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.