

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidential classification of material provided pursuant to Audit No. 01-073-4-1, by Florida Power & Light Company.

DOCKET NO. 011403-EI  
 ORDER NO. PSC-01-2339-CFO-EI  
 ISSUED: December 5, 2001

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION

On October 11, 2001, at an exit conference concluding our staff's audit of Florida Power & Light Company's (FPL) earning surveillance for the year ended December 31, 2001, FPL requested temporary confidential treatment of certain portions of our staff's working papers, in accordance with Rule 25-22.006(3)(a)(2), Florida Administrative Code. Document 13412-01 contains those specified portions of the audit working papers. On October 29, 2001, pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, FPL filed a formal Request for Confidential Classification of Materials Pursuant to Audit No. 01-073-4-1. The utility's request included redacted copies for public inspection (Document No. 13655-01), highlighted copies (Document No. 13656-01), and a page-by-page, line-by-line justification for the request.

FPL requests confidential classification for the information set forth below, which is contained in Documents Nos. 13412-01 and 13656-01.

Staff Work Paper No.	Page(s)	Line(s)
8-1	3	1-5
9A	1-2	All
9-1	1-9	All
9-2	1-2	All
9-3	1-5	All
9-4	1-3	All
9-5	1-3	All
9-7	1-5	All

DOCUMENT NUMBER-DATE

15200 DEC-5

FPSC-COMMISSION CI FRK

Staff Work Paper No.	Page(s)	Line(s)
9-8	1-2	All
9-9	1-3	All
9-10	1-3	All
9-11	1	All
9-12	1-2	All
9-13	1	All
9-14	1	All
9-15	1-5	All
9-16	1	All
9-17	1-2	All
9-18	1-2	All
9-19	1	All
9-20	1-5	All
9-21	1	All
9-22	1-4	All
9-23	1	All
9-24	1-2	All
9-25	1	1-11
10	3	9-15
59	1	20-28
59	2	All
59	3	9-19

FPL states that the information contained in Staff Work Paper No. 8-1, page 3, lines 1-5, relates to the competitive interests of FPL's parent, FPL Group, Inc., and its affiliate, FPL Energy, LLC.

FPL states that although the information relates to past consideration of potential business transactions, the disclosure of this information would reveal to competitors the corporate strategy of FPL Group, Inc., as well as provide notice of the existence or details of transactions then being considered. FPL further states that disclosure of this information would impair the competitive business interests of FPL Group, Inc., and FPL Energy, LLC. As for the remaining information outlined above, FPL states that the information contains or constitutes internal audit controls and reports of internal auditors or information relating to the same. FPL states that it treats all the materials listed above as private and that the documents have not been disclosed.

Pursuant to Section 119.01, Florida Statutes, documents submitted to this Commission are public records. The only exemptions to this law are specific statutory exemptions and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision.

Pursuant to Section 366.093, Florida Statutes, any records received by the Commission which are shown and found by the Commission to be proprietary confidential business information shall be kept confidential and exempt from the public access requirements of Section 119.07(1), Florida Statutes. Under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the petitioner has the burden of demonstrating that the materials qualify for confidential classification. Rule 25-22.006, Florida Administrative Code, requires the petitioner to demonstrate that the information falls into one of the categories set forth in Section 366.093, Florida Statutes.

Section 366.093, Florida Statutes, defines "proprietary confidential business information" as

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. Proprietary confidential business information includes, but is not limited to:

\*\*\*

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

\*\*\*

- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

Upon review, I find that the information identified in FPL's confidentiality request for Staff Work Paper No. 8-1, page 3, lines 1-5, reveals sensitive competitive information, the disclosure of which may give an unfair advantage to FPL's competitors. Furthermore, I find that the remaining material reveals the audit strategies and analytical methodology of the internal auditor. Accordingly, FPL's request for confidential classification is hereby granted for a period of 18 months from the issuance date of this Order.

Based on the foregoing, it is


ORDERED by Commissioner Michael A. Palecki, as Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification of Materials Pursuant to Audit No. 01-073-4-1 is granted for a period of 18 months from the issuance date of this Order. It is further

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

ORDERED that this docket shall be closed.

ORDER NO. PSC-01-2339-CFO-EI  
DOCKET NO. 011403-EI  
PAGE 5

By ORDER of Commissioner Michael A. Palecki, as Prehearing Officer, this 5th day of December, 2001.

  
\_\_\_\_\_  
MICHAEL A. PALECKI  
Commissioner and Prehearing Officer

( S E A L )

SMC

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 the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the

ORDER NO. PSC-01-2339-CFO-EI

DOCKET NO. 011403-EI

PAGE 6

Commission Clerk and Administrative Services, 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.