

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Progress Energy Florida, Inc.'s Request
for Confidential Classification of audit work
papers of staff's audit report entitled Review of
Progress Energy Florida Inc.'s Quality
Assurance Process for Distribution
Construction

DOCKET NO. 130054-EI
ORDER NO. PSC-13-0144-CFO-EI
ISSUED: March 27, 2013

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF DOCUMENT NO. 00953-13

On February 21, 2013, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006(3), Florida Administrative Code (F.A.C.), Progress Energy Florida, Inc. ("PEF") filed a Request for Confidential Classification information, contained in Document No. 00953-13, pertaining to the Florida Public Service Commission's Review of PEF's Quality Assurance Process for Distribution Construction ("Review") and related work papers.

Commission audit staff has determined that it is not necessary to retain the information contained in pages 303-314, 373-392, 460-462, and 579-583 of the Review and related work papers. The return of this material renders PEF's request for confidentiality as to these pages moot. Accordingly, on March 19, 2013, PEF filed an Amended Request for Confidential Classification which now only seeks confidential classification of pages 281-295 of the Review and related work papers.

Section 366.093(1), F.S., 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, 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 has not been voluntarily disclosed to the public. Section 366.093(3)(b), F.S., provides that proprietary confidential business information includes, but is not limited to, "[i]nternal auditing controls and reports of internal auditors."

According to Section 366.093, F.S., and Rule 25-22.006(4)(c), F.A.C., the utility has the burden of demonstrating that materials qualify for confidential classification, and may meet this burden by demonstrating that the information is proprietary confidential business information, the disclosure of which would impair or harm the competitive business of the utility.

PEF's Request

PEF asserts that the information contained in Document No. 00953-13 contains proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006(3), F.A.C. PEF states that this information is intended to be and is treated

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by PEF as private and has not been publicly disclosed. More specifically, PEF alleges that pages 281-295 of Document No. 00953-13, contain proprietary confidential business information, as identified in Section 366.093(3)(b), F.S.

PEF specifically contends that the information at issue, which is described in Amended Exhibit C to the request, relates to PEF's internal auditing controls and reports of internal auditors, which if disclosed, could impair the efforts of the Company to protect internal business information. In addition, PEF states that pages 281-295, of Document No. 00953-13 contain information related to the company's internal audits including reports of the company's internal auditors. PEF asserts that it is essential to the company's internal auditing process that information provided to internal auditors and the reports thereof remain confidential, allowing for full cooperation and candor with the company's auditors. Finally, PEF asserts that, if the information at issue were made public, it could compromise the company's ability to effectively perform internal audits of its projects and procedures and thereby harm PEF's competitive business interests.

Ruling

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 at issue constitutes internal auditing controls and reports of internal auditors, the disclosure of which would impair the competitive business of the provider of the information. Thus, the information identified on pages 281-295 of Document No. 00953-13 shall be granted 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 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 PEF 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

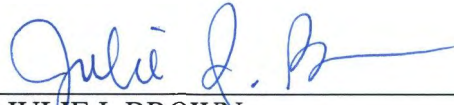
ORDERED by Commissioner Julie I. Brown, as Prehearing Officer, that Progress Energy Florida, Inc.'s Request for Confidential Classification of Document No. 00953-13 is granted, as set forth herein. It is further

ORDERED that the information in Document No. 00953-13 for which confidential classification has been granted shall remain protected from disclosure for a period of 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. It is further

ORDERED that this docket shall be closed.

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 27th day of March, 2013.



JULIE I. BROWN

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.

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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.