

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental Cost
Recovery Clause

DOCKET NO. 980007-EI
ORDER NO. PSC-98-1032-CFO-EI
ISSUED: July 28, 1998

ORDER GRANTING CONFIDENTIALITY TO PORTIONS OF FLORIDA POWER &
LIGHT COMPANY'S ENVIRONMENTAL COST RECOVERY CLAUSE AUDIT
(DOCUMENT NOS. 04506-98 AND 04083-98)

Pursuant to Section 366.093(3)(b), Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company (FPL) requests confidential classification for portions of its cost recovery clause audit. FPL asserts that the information contained in Document Nos. 04506-98 and 04083-98, relates to internal audit information which is exempt from the mandatory disclosure provisions of Chapter 119. FPL requests that the information contained in these documents be granted confidential classification for a period of 18 months from the date of the issuance of this Order. After the expiration of the confidentiality period, FPL has requested that its records be returned to it for safekeeping. Document No. 04083-98, however, consists of staff workpapers including staff field notes and impressions and must be retained by the Commission in accordance with accepted audit retention procedures. Document No. 04506-98 however, shall be returned to the company at the expiration of the 18 month confidentiality period. Should the company desire an extended confidentiality period, it must file a request to extend the confidentiality period before the expiration of the 18 month period granted in this Order.

FPL asserts that the information contained in these documents is confidential, proprietary business information which has not been publicly disclosed. The Commission has affirmatively addressed this type of information before in Order No. PSC-96-0198-CFO-EI, issued February 13, 1996, in Docket No. 960001-EI.

FPL seeks confidential classification of the information illustrated in the following table:

TABLE 1: LOCATION OF INFORMATION FOR WHICH CONFIDENTIAL TREATMENT IS SOUGHT

WORKPAPER NO.	PAGE	LINE/COLUMN
9-1, 9-1/1-1, 9-1/2, 9-1/3, 9-1/4. 9-2	1	ALL
9-1/1	3	ALL

DOCUMENT NUMBER-DATE

07940 JUL 28 98

FPLC-RECORDS/REPORTING

As justification for the grant of confidentiality for the information contained in this table, FPL contends that it relates to internal auditing controls and/or reports of internal auditors within the meaning of Section 366.093(3)(b), Florida Statutes. FPL maintains that once the Commission determines that this information is related to internal auditing controls and/or reports of internal auditors under Section 366.093(3)(b), Florida Statutes, the Commission is not required to balance the danger of disclosure against the public interests in access to this information. However, Section 366.093(3), Florida Statutes, requires that the utility show that "disclosure of the information would cause harm to the ratepayers or the person's or company's business operations" In the instant case, inquiry has shown that disclosure of this information may reveal how management policies are carried out and how assets are safeguarded. These workpapers are preliminary internal audit information which could lead to lawsuits. These workpapers also show how internal account controls are used. These reasons bring this information squarely within the protection of Section 366.093(3), Florida Statutes. The ultimate harm to be derived from the revelation of these classes of information would be higher costs resulting in higher rates. Confidential classification shall extend even to the titles of the audit workpapers, which tend to reveal the nature of the confidential information contained within each workpaper.

Upon review, it appears as if the information contained in Document Nos. 04506-98 and 04083-98 falls within the exception to Chapter 119 found in Section 366.093(3)(b), Florida Statutes. This material appears to be related to internal auditing controls and/or reports of internal auditors within the meaning of the statute. The information is entitled to confidential classification pursuant to Section 366.093(4), Florida Statutes, for a period of 18 months from the issuance of this Order. After that time, Document No. 04506-98 shall be returned to FPL and Document No. 04083-98 shall be retained by the Commission in accordance with established Commission audit retention practice. If FPL wishes further protection past the initial confidentiality period, it must file for an extension and show good cause for granting and extension before the first confidentiality period expires.

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It is therefore

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that the information discussed within the body of this Order and contained in Document Nos. 04506-98 and 04083-98 shall be granted confidential classification. It is further

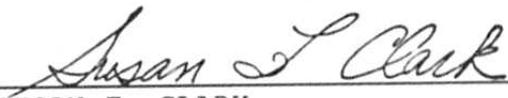
ORDERED that the information contained in Document Nos. 04506-98 and 04083-98 shall be granted confidential classification for a period of 18 months from the date of the issuance of this Order. It is further

ORDERED that Document No. 04506-98 shall be returned to Florida Power and Light Company after the expiration of the 18 months confidential classification period. It is further

ORDERED that Document No. 04083-98 shall be retained by the Commission in accordance with established Commission audit retention practices at the expiration of the 18 months confidential classification period. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the declassification date of these documents.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 28th Day of July, 1998.



SUSAN F. CLARK
Commissioner and Prehearing Officer

(S E A L)

GAJ

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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.

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 25-22.038(2), 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 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.