

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Duke Energy Florida's request for confidential treatment of certain information contained in report entitled Review of Data Accuracy in Electric Reliability Reporting by Florida Electric IOUs.

DOCKET NO. 150216-EI  
ORDER NO. PSC-17-0238-CFO-EI  
ISSUED: June 21, 2017

ORDER GRANTING DUKE ENERGY FLORIDA'S FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION (DOCUMENT NOS. 04425-15 AND 07897-15)

On May 19, 2017, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Duke Energy Florida (Duke) filed its First Request for Extension of Confidential Classification of documents contained in the Florida Public Service Commission (Commission) Staff's Review of Data Accuracy in Electric Reliability Reporting by Florida Electric IOUs. Specifically, Duke seeks extended confidential classification of Document Nos. 04425-15 and DN 07897-15.

Request for Confidential Classification

Duke's original request for confidential treatment of information was granted by Order No. PSC-15-0551-CFO-EI, issued on December 2, 2015. Duke asserts that all of the information that was the subject of Order No. PSC-15-0551-CFO-EI warrants continued treatment as proprietary and confidential business information.

Duke contends that Document Nos. 04425-15 and 07897-15 contain information that constitutes "proprietary confidential business information" entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. Duke asserts that this information is intended to be and is treated by Duke as private and has not been publicly disclosed.

Duke further contends that Document Nos. 04425-15 and 07897-15 contain information concerning internal auditing controls, reports of internal auditors, and employee personnel information unrelated to compensation, duties, qualifications, or responsibilities. Duke asserts that this information is protected by Sections 366.093(3)(b) and (e), F.S.

Ruling

Section 366.093(1), F.S., provides that records the Commission has found to contain proprietary 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), F.S., provides that proprietary confidential business information includes, but is not limited to:

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

(e) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

Upon review, it appears that the information satisfies the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information. The information appears to be audit workpapers that contain internal auditing controls and reports of internal auditors, and information relating to employee personnel information. The disclosure of these documents would impair Duke's business operations or its ratepayers. Thus, the information identified in Document Nos. 04425-15 and DN 07897-15 shall be granted a continuation of 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 up to 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 Duke 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 hereby

ORDERED by Commissioner Julie I. Brown, as Prehearing Officer, that Duke Energy Florida's First Request for Extension of Confidential Classification of the information contained in Document Nos. 04425-15 and DN 07897-15 is granted. It is further

ORDERED that the information in Document Nos. 04425-15 and DN 07897-15, for which confidential classification has been granted, shall remain protected from disclosure for a period of up to 18 months from the date 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 Chairman Julie I. Brown, as Prehearing Officer, this 21st day  
of June, 2017.



JULIE I. BROWN  
Chairman 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.

AEH

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.