

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by Florida Power Corporation for confidential classification of response to Staff Document Request No. 4 from staff audit regarding 1998 earnings surveillance (Audit Control No. 99-081-2-1).

DOCKET NO. 991544-EI
ORDER NO. PSC-99-2376-CFO-EI
ISSUED: December 6, 1999

The following Commissioners participated in the disposition of this matter:

ORDER GRANTING CONFIDENTIAL CLASSIFICATION
(DOCUMENT NOS. 11682-99 and 12300-99)

Commission staff performed a 1998 earnings surveillance audit of Florida Power Corporation (FPC). FPC seeks confidential classification of a staff working paper.

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

Pursuant to the provisions of Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the utility has the burden of demonstrating that the materials qualify for specified confidential classification. According to Rule 25-22.006, Florida Administrative Code, the utility must meet this burden by demonstrating that the materials fall into one of the statutory examples set forth in Section 366.093, Florida Statutes, or by demonstrating that the information is proprietary confidential business information, the disclosure of which will cause the utility or its ratepayers harm.

The information for which FPC has requested specified confidential treatment consists of one working paper, 10-4, page 2, entitled "Non-regulatory/non-utility services." According to FPC, the portion of the response that is in rows 7 and 8 of that paper contains information listing the account name and description for

DOCUMENT NUMBER-DATE

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FPC-RECORDS/REPORTING

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two particular non-utility competitive activities. The activities are currently in a developmental stage and the utility states that it has taken great care to guard against premature disclosure of its plans to enter into these competitive business markets. FPC also states that this information is highly sensitive proprietary information, the disclosure of which could subject it to a competitive disadvantage by revealing its business plans to others who are, or may become, engaged in these competitive activities. FPC asserts that the information for which confidential treatment has been requested is intended to be and is treated as confidential by FPC and has not been disclosed to the public.

Upon review, the information identified in Document Nos. Document Nos. 11682-99 and 12300-99 is hereby found to be proprietary confidential business information pursuant to Section 366.093, Florida Statutes. (Document No. 11682-99 is staff's working paper and Document No. 12300-99 is the highlighted copy of the same working paper that FPC furnished as part of its request for confidential classification.) As such, it shall be kept confidential and the documents shall be exempt from Section 119.07(1), Florida Statutes, for a period of 18 months, as requested by FPC, and as provided by section 366.093(4), Florida Statutes.

FPC's request that the working paper be returned to FPC after the 18-month classification period is, however, hereby denied. The Commission's policy is to retain audit working papers pertaining to regulated electric utilities for 25 years. Prior to the end of the 18-month period, the utility may request an extension to the confidential classification period.

It is therefore

ORDERED by Commissioner Susan Clark, as Prehearing Officer, that the Request of Florida Power Corporation for confidential classification of certain information in working papers to staff audit report, identified as Document Nos. 11682-99 and 12300-99, is hereby granted pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093, Florida Statutes, for the reasons set forth in the body of this Order. It is further

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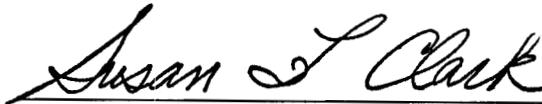
Code, and Section 366.093, Florida Statutes, for the reasons set forth in the body of this Order. It is further

ORDERED that pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidential classification granted to the documents specified herein shall expire eighteen months from the date of issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 366.093. It is further

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

ORDERED that this docket be closed.

By ORDER of Commissioner Susan Clark, as Prehearing Officer, this 6th day of December, 1999



SUSAN F. CLARK
Commissioner and Prehearing Officer

(S E A L)

CTM

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

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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.

State of Florida



Public Service Commission

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RECORDS AND REPORTING

DATE: December 6, 1999
 TO: BLANCA BAYO, DIRECTOR OF RECORDS AND REPORTING
 FROM: CHRISTIANA T. MOORE, DIVISION OF APPEALS *CTM*
 RE: DOCKET NO. 991544-EI

2376-CFD

FILE NAME: 991544.ORD

Attached is an order to be issued as soon as possible.

MUST GO TODAY

CTM/MRD
Attachment

cc: AFAD (Vandiver/Freeman)
Wanda Terrell

See 1

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