

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidential classification of three pages of Internal Audit Department Audit Recommendations and Auditee Comments, by Tampa Electric Company.)	DOCKET NO. 910384-EI
)	ORDER NO. 24388
)	ISSUED: 4/18/91
)	

ORDER GRANTING CONFIDENTIAL CLASSIFICATION

On March 15, 1991, Tampa Electric Company requested confidential classification of certain internal audit documents containing the internal auditor's recommendations and the comments responding to those recommendations. These documents, dated January 7, 1988, were furnished to Commission staff during their management audit of the company's budgeting functions.

Section 366.093(1), Florida Statutes, provides that records which are found by the Commission to contain proprietary confidential business information shall be exempt from the public disclosure required by section 119.07(1), Florida Statutes. Section 366.093(3)(b), Florida Statutes, defines proprietary confidential business information to include "internal auditing controls and reports of internal auditors." Because I find that the documents for which Tampa Electric Company requests confidential classification are internal audit reports, they will be classified as confidential.

In consideration of the foregoing, it is


ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that the request for specified confidential classification filed by Tampa Electric Company on March 15, 1991, is granted pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093, Florida Statutes.

ORDERED that the information that is classified as confidential shall be confidential for a period of 6 months from the date of this order, and shall be returned to the company at the conclusion of that period.

ORDER NO. 24388
DOCKET NO. 910384-EI
PAGE 2

ORDERED that if a protest is filed within 10 days of the date of this Order, it will be resolved by the Commission pursuant to Rule 25-22.006(3)(c), Florida Administrative Code.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 18th day of April, 1991.



J. Terry Deason, Commissioner

(S E A L)

CTM

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 from the full Commission within 10 days pursuant to Rule 25-22.006(3), Florida Administrative Code, for rulings on confidentiality issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.038(2), Florida Administrative Code, for any rulings on issues other than confidentiality if issued by a Prehearing Officer; 3) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 4) 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 sewer 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.