BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Request for Confidential)
Classification of Certain)
Material Requested as Part of)
the Florida Public Service)
Commission's Audit of Construction)
Activities by Florida Power and)
Light Company)

DOCKET NO. 920375-EI

ORDER NO. PSC-92-0668-CFO-EI

ISSUED: 07/16/92

ORDER GRANTING CONFIDENTIAL CLASSIFICATION

By request dated April 27, 1992, as amended June 1, 1992, Florida Power and Light Company (FP&L) has sought confidential classification pursuant to, <u>inter alia</u>, Rule 25-22.006, Florida Administrative Code, and section 366.093, Florida Statutes, of certain material requested as part of this Commission's audit of FP&L's construction activities.

Florida law provides, in section 119.01, Florida Statutes, that documents submitted to governmental agencies shall be 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 section 366.093 and Rule 25-22.006, it is the company's burden to show that the material submitted is qualified for specified confidential classification. Rule 25-22.006 provides that the company may fulfill its burden by demonstrating that the documents fall into one of the statutory examples set out in section 366.093, or by demonstrating that the information is proprietary confidential information the disclosure of which will cause the company or its ratepayers harm.

FP&L's request centers on two of these provisions: The first, section 366.093(3)(b), provides confidential classification for internal auditing controls and reports of internal auditors. The material listed and justified in the chart attached to this order under (FP&L's) Attachments A, B and D as "Internal Audit" has been examined and found to be properly categorized as "Internal Audit". Therefore, by operation of section 366.093(3)(b), confidential classification will be accorded that material.

The second of the statutory sections relevant to FP&L's request is section 366.093(3)(d), which provides confidential classification for:

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Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms.

The material listed in the attached chart under FP&L's Attachment D and justified as "contract data" has been examined and been found to be, in fact, contract bid data, the disclosure of which would impair FP&L's ability to contract for goods or services on favorable terms.

Accordingly, because the material described in this Order meets either one or the other of sections 366.093(3)(b) and (d), it is

ORDERED that confidential classification for the material described herein and listed in the attached chart is granted. It is further

ORDERED that confidential classification for this material will extend until September 1, 1993. It is further

ORDERED that this docket is closed.

By ORDER of Commissioner Susan F. Clark, as prehearing officer, this 16th day of July, 1992.

SUSAN F. CLARK, Commissioner and

Prehearing Officer

(SEAL)

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 the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, 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 sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

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