State of Florida



Public Service Commission

FPSC. CIN-FCHRESPONDENCEU-IRFCEIVED

Administrative Parties Consumer

JUL 2 5 2000

ORIGINAL

DATE:

July 24, 2000

DOCUMENT-NO. 12096-0

TO:

Division of Appeals (Brown) DISTRIBUTION:

FPSC - Records/Reporting

FROM: Division of Regulatory Oversight (Freeman, Vandiver) RE:

Docket 000814-GU Recommendation concerning Florida Public Utilities

Company (FPU's) request for confidential classification for a portion of the staff working papers obtained during the preparation of audit report numbered 00-054-4-2 Surveillance Audit of FPU Fernandina Beach Division for the year

ended December 31, 1999, Documents Number

On June 12, 2000, when copies of certain portions of staff's audit working papers obtained regarding the FPU Fernandina Beach Division surveillance audit for the year ended December 31, 1999, were delivered to FPU at the audit exit conference, the utility requested that these materials be temporary excepted from public access in accordance with the provisions of Rule 25-22.006(3)(a)(2), Florida Administrative Code (FAC). On May 2, 2000, staff filed document 07438-00 consisting of those specified portions of the audit working papers,

On July 3, 2000, the utility filed a request pursuant to Section 366.093, Florida Statutes (F.S.) and Rule 25-22,006. FAC, that selected portions of the working papers prepared by staff during the audit receive confidential classification. The utility's request included redacted copies for public inspection (Exhibit C. document 08119-00) and highlighted copies (document 08120-00).

Documents 07438-00 and 08120-00 are currently held by the Commission's Division of Records and Reporting as confidential pending resolution of FPU's request for confidential classification.

Pursuant to Section 119.07, F.S., documents submitted to this Commission are public records. The only exceptions to this law are specific statutory exemptions and exemptions granted by governmental agencies pursuant to the specific items of a statutory provision. Subsection 366.093(3)(e) provides the following:

124.700×

Page 2 FPU-Fernandina Beach Confidential Recommendation July 24, 2000

"Proprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. Proprietary confidential business information includes but is not limited to:....

(e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

According to Section 366.093, F.S., and Rule 25-22.006, FAC, the utility has the burden of demonstrating that materials qualify for confidential classification. According to rule 25-22.006, FAC, the utility must meet this burden by demonstrating that the information is proprietary confidential business information, the disclosure of which will cause the utility, the provider of the information or the ratepayer harm.

Staff Analysis of the Request

Reading the FPU filing reveals the sensitive materials presented in the filing consist of copies or notes taken from the working papers of Deloitte & Touche, the utility's external auditor. These materials consist of:

- 1. Deloitte and Touche working papers testing FPU financial information for such categories as cash receivables, prepaid expenses, PGA over/under recoveries, liabilities, and revenues and as well as the external auditor's summaries of corporate minutes;
- 2. Letter from FPU to Deloitte & Touche regarding the representations and disclosures made to Deloitte & Touche during the audit;
- 3. Deloitte and Touche working papers describing internal controls of the FPU payroll application system;
- 4. Deloitte and Touche working papers testing depreciation accounts of FPU's Marianna and Fernandina electric properties; and
- 5. Deloitte and Touche working papers testing the utility's expense data.

The utility reports these documents are intended to be and are treated by FPU and Deloitte and Touche as confidential.

Page 3 FPU-Fernandina Beach Confidential Recommendation July 24, 2000

Staff Analysis of the Request (continued)

The utility requests confidential protection for the working papers of Deloitte and Touche on the basis that release of this material would harm the competitive business of the external auditor. The Commission has previously decided this issue in Commission Order 25297, dated November 5, 1991, where the competitive strategy and work program methodology of the external auditor qualified for a confidential classification.

Reading the sensitive material reveals it is the valuable analytical work methods of the external auditor demonstrating the auditor's strategy and methodology. We therefore recommend the working papers, notes taken from the working papers, and this correspondence between FPU and Deloitte and Touche be granted confidential protection.

Duration of the Confidential Classification Period

The utility requests that the material be granted confidential classification for at least 18 months. According to the provisions of Section 366.093(4), F.S., absent good cause shown for a longer period of protection, a confidential classification is limited to 18 months. We therefore recommend that the period of classification be set as 18 months.

Detailed Recommendation

Staff Work Paper Number	Page(s)	Line(s)	Recommend	Type of Information Classified Confidential
9	1-6	All	Grant	Contains information the release of which would disclose the audit strategy and work methodology and harm the competitive business of the utility's external auditor
9-2	4-18	All	Grant	Contains information the release of which would disclose the audit strategy and work methodology and harm the competitive business of the utility's external auditor

Page 4 FPU-Fernandina Beach Confidential Recommendation July 24, 2000

Close the Docket

Once an order resolving the company's request becomes final, this docket should be closed.

A copy of this recommendation will be held as a temporary file at 1:08120-00.RAF.

CC: Division of Regulatory Oversight (Pelt, Welch)
Division of Competitive Services (Slemkewicz)
Division of Records and Reporting (Flynn)

Marguerite Lockard

From:

Kay Flynn

Sent:

Wednesday, July 05, 2000 9:36 AM

To:

Denise Vandiver

Cc:

Bob Freeman; Sylvia Pelt; Marguerite Lockard

Subject:

RE: FPUC audit - 000814-EI

Okay. I did reference both numbers in the docket title and description of the confidential filing. I'll wait to hear the results of your meeting, and amend the title etc. if necessary.

Thanks.

----Original Message----

From: Denise Vandiver

Sent: Wednesday, July 05, 2000 9:19 AM

To: Kay Flynn

Cc: Bob Freeman; Sylvia Pelt

Subject: RE: FPUC audit

No, I'm not sure what is going on, but maybe Bob will have time this week to straighten it out. The audits were performed at the same time, maybe the company thinks we put the confidential papers in both audits. This may require a meeting with Floyd, we will let you know, thanks

----Original Message----

From: Kay Flynn

Sent: Wednesday, July 05, 2000 7:34 AM

To: Denise Vandiver

Cc: Bob Freeman; Sylvia Pelt

Subject: RE: FPUC audit

Correction! I found conf. material under 00-054-4-2 (07438-00) but not under 00-054-4-1.

----Original Message----

From: Kay Flynn

Sent: Wednesday, July 05, 2000 7:23 AM

To: Denise Vandiver

Cc: Bob Freeman; Sylvia Pelt

Subject: FPUC audit

We received a request for confidentiality and highlighted workpapers from Floyd Self on Monday for an audit of FPUC concerning 1999 earnings review. I'm going to open a new docket to handle this. He referenced audit control nos. 00-054-4-1 and 00-054-4-2. I cannot find any conf. material under the second number. I did find DNs 07437-00 (index) and 07438-00 (workpapers) under the first. Should I have anything confidential related to the second number?

Kay Flynn Division of Records and Reporting Florida Public Service Commission (850) 413-6744 kflynn@psc.state.fl.us

Section 1 - Division of Records and Reporting (RAR) Completes

PSC/RAR-15 (Rev. 2/00)

Date Docketed: 07/03/2000 Title: Request for confidentiality of documents and information Docket No. 000814-EI provided to Florida Public Service Commission in connection with audit of 1999 earnings (Audit Control No. 00-054-4-2), by Florida Public Utilities Company. Company: Florida Public Utilities Company Official Filing Date: _ Expiration: Last Day to Suspend: ADM AFA APP CAF CMP CMU EAG ECR GCL LEG PAI RAR (RGO) SER WAW Referred to: ("()" indicates OPR) Time Schedule Section 2 - OPR Completes and returns to RAR in 10 workdays. WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770 Program/Module A17 Staff Assignments Due Dates Current CASR revision level OPR Staff Previous Current 2. Staff Counsel OCRs () 6. 9. 10. 11. 12 13. 14. 15. 16. 17. 18. 19. 20. 21. 23. 24. 25. 27. 29. 30 Recommended assignments for hearing and/or deciding this case: 32. 33 Full Commission ___ Commission Panel Hearing Examiner ___ Staff 34. 35. 36 Date filed with RAR: 37 38. Initials: OPR 39 Staff Counsel 40. Section 3 - Chairman Completes Assignments are as follows: - Prehearing Officer - Hearing Officer(s) DOCUMENT NO. ADM Commissioners Commissioners Hrg. Staff Exam. DS CL JC JB ALL Where panels are assigned the senior Commissioner is Panel Chairman; Approved: ___ the identical panel decides the case. Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case. Date: / /

* COMPLETED EVENTS

(RAR) Completes Section 1 - Division of Records and Report: Request for confidentiality of documents and information provided to Florida Public Service Commission in connection with audit of 1999 earnings (Audit Control No. 00-054-4-2), Date Docketed: 07/03/2000 Title: Docket No. 000814-EI Company: Florida Public Utilities Company by Florida Public Utilities Company.

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Section 3 - Chairman Completes

Staff Counsel

Initials:

Assignments are as follows:

38.

39. 40.

- Hearing Officer(s)

	Comm		Hrg. Exam.	Staff			
ALL	DS	CL	JC	JB .	NC	LAdili.	
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Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case. Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

- Prehearing Officer

	Commissioners										
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Approved:

Date: 07/21/2000

Section 1 - Division of Records and Reporti (RAR) Completes $\hbox{ Date Docketed:} \quad \underline{07/03/2000} \quad \hbox{Title:} \quad \hbox{Request for confidentiality of documents and information provided to } \quad \hbox{Florida Public Service Commission in connection}$ Docket No. 000814-EI with audit of 1999 earnings (Audit Control No. 00-054-4-2), Company: Florida Public Utilities Company by Florida Public Utilities Company. Official Filing Date: Last Day to Suspend: Expiration: ADM AFA APP CAF CMP CMU EAG ECR GCL LEG PAI RAR (RGO) SER WAW Referred to: ("()" indicates OPR) Section 2 - OPR Completes and returns to RAR in 10 workdays. WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770 Program/Module A17 Staff Assignments Current CASR revision level Due Dates OPR Staff B Freeman. D Vandiver Previous Current Recommendation to Appeals SAME 2. Order on Confidentiality 11/20/2000 Close Docket or Revise CASR 10/27/2000 12/20/2000 Staff Counsel M Brown 4. 5 OCRs () 6. 8 9 10. 11 12. 13 14 15. 16 17 18. 19 20. 21 22 . 23 . 24 . 25. 26. 27 28. 29 30 Recommended assignments for hearing 31. and/or deciding this case: 32 33 Full Commission XHearing Examiner 34. Commission Panel 35 Staff 36 Date filed with RAR: 10/16/2000 37. 38. Initials: OPR 39 Staff Counsel 40. Section 3 - Chairman Completes Assignments are as follows: - Hearing Officer(s) - Prehearing Officer Commissioners Hrg. Staff Exam. ALL DS JC JB XX

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case. Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

	Comm	ission	ners		ADM
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Approved:

Date: 10/23/2000

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 000814-EI

Company: Florida Public Utilities Company

Date Docketed: 07/03/2000 Title:

Request for confidentiality of documents and information provided to Florida Public Service Commission in connection with audit of 1999 earnings (Audit Control No. 00-054-4-2), by Florida Public Utilities Company.

Official Filing Last Day to Sus	Date: pend:	Expiration:		
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Section 3 - Cha	irman Completes	Assignments are as follows:		

- Hearing Officer(s)

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Where panels are assigned the senior Commissioner is Panel Chairman;

the identical panel decides the case. Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

- Prehearing Officer

	Commissioners										
DS	JC	JB	BZ	XX							
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Approved:

Date: 12/08/2000

Section 1 - Division of Records and Rep (RAR) Completes Docket No. 000814-EI Date Docketed: 07/03/2000 Title: Request for confidentiality of documents and information provided to Florida Public Service Commission in connection with audit of 1999 earnings (Audit Control No. 00-054-4-2), Company: Florida Public Utilities Company by Florida Public Utilities Company. Official Filing Date: _ Last Day to Suspend: Expiration: Referred to: ADM AFA APP CAF CMP CMU EAG ECR GCL LEG PAI RAR (RGO) SER WAW ("()" indicates OPR) X Section 2 - OPR Completes and returns to RAR in 10 workdays. Time Schedule WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.
IT IS TENTATIVE AND SUBJECT TO REVISION.
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assigned the full Commission decides the case. PSC/RAR-15 (Rev. 2/00)

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Where panels are assigned the senior Commissioner is Panel Chairman;

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Approved:

Date: Pending

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Company: Florida Public Utilities Company

RAR) Completes

Docket No. <u>000814-EI</u>

Date Docketed:

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Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case. Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

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Approved:

Date: Pending

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PSC/RAR-15 (Rev. 2/00)

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JC

* COMPLETED EVENTS

Section 1 - Division of Records and Report

(RAR) Completes

Docket No. 000814-EI

Date Docketed: 07/03/2000 Title:

Company: Florida Public Utilities Company

Request for confidentiality of documents and information provided to Florida Public Service Commission in connection with audit of 1999 earnings (Audit Control No. 00-054-4-2), by Florida Public Utilities Company.

Official Filing Last Day to Sus		Expirat	cion:	Continuous													
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Section 3 - Cha	irman Completes																
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Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case. Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

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Date: Pending

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Case Assignment and Scheduling Record AR) Completes Section 1 - Division of Records and Report Date Docketed: 07/03/2000 Title: Request for confidentiality of documents and information provided to Florida Public Service Commission in connection Docket No. 000814-EI with audit of 1999 earnings (Audit Control No. 00-054-4-2), Company: Florida Public Utilities Company by Florida Public Utilities Company. Official Filing Date: Last Day to Suspend: Expiration: CAF CMP CMU EAG ECR GCL LEG PAI RAR (RGO) SER WAW ADM AFA APP Referred to: ("()" indicates OPR) Section 2 - OPR Completes and returns to RAR in 10 workdays. WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION.
FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770 Program/Module A17 Staff Assignments Current CASR revision level Due Dates OPR Staff B Freeman, D Vandiver Previous Current Order on Confidentiality 04/16/2001 05/16/2001 2. 05/16/2001 06/18/2001 Close Docket or Revise CASR 4. Staff Counsel M Brown 5. OCRs () 6. 8 9 10. 11 12. 13. 14. 15. 16. 17. 18. 19. 20 21. 22. 23. 24. 25. 26. 27 28 29 30 Recommended assignments for hearing 31. 32 and/or deciding this case: 33 Full Commission X Commission Panel 34 35 Hearing Examiner ____ Staff 36 Date filed with RAR: 04/16/2001 37. 38 Initials: OPR 39 Staff Counsel 40.

Section 3 - Chairman Completes

Assignments are as follows:

Hearing Officer(s)

	Commissioners						Staff
ALL	JC	DS	JB	BZ	PL	Hrg. Exam.	,
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Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case. Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

- Prehearing Officer

	ADM				
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Approved:

Date: Pending

4/19/01

STATE OF FLORIDA

Commissioners:

J. TERRY DEASON, CHAIRMAN SUSAN F. CLARK E. LEON JACOBS, JR. LILA A. JABER



DIVISION OF RECORDS & REPORTING BLANCA S. BAYÓ DIRECTOR (850) 413-6770

Public Service Commission

M-E-M-O-R-A-N-D-U-M

DATE:	July 3, 2000
TO:	DIVISION OF APPEALSDIVISION OF COMPETITIVE SERVICESDIVISION OF ECONOMIC REGULATIONDIVISION OF LEGAL SERVICESDIVISION OF POLICY ANALYSIS & INTERAGENCY LIAISONXXDIVISION OF REGULATORY OVERSIGHTDIVISION OF SAFETY & ELECTRIC RELIABILITY
FROM:	DIVISION OF RECORDS AND REPORTING (Lockard)
RE:	CONFIDENTIALITY OF CERTAIN INFORMATION
audit of 199	DOCUMENT NO: 08120-00 (x-ref 07438-00) DESCRIPTION: Documents and information provided to staff in connection with 19 earnings (Audit Control Nos. 00-054-4-1 and 00-054-4-2)
	SOURCE: Florida Public Utilities Company DOCKET NO: 000814-EI
recommenda a copy of th attorney.	material was received with a request for confidentiality (attached). Please prepare a tion for the attorney assigned to the case by completing the section below and forwarding is memorandum, together with a brief memorandum supporting your recommendation, to the Copies of your recommendation should also be provided to the Division of Records and to the Division of Appeals.
Please	e read each of the following and check if applicable.
	The document(s) is (are), in fact, what the utility asserts it (them) to be.
	The utility has provided enough details to perform a reasoned analysis of its requestion NO.
Manda (1300) and the April American	The material has been received incident to an inquiry.
T CONTROL OF CONTROL O	The material is confidential business information because

STATE OF FLORIDA

Commissioners:
J. TERRY DEASON, CHAIRMAN
SUSAN F. CLARK
E. LEON JACOBS, JR.
LILA A. JABER



Division of Records & Reporting Blanca S. Bayó Director (850) 413-6770

Public Service Commission

July 6, 2000

Floyd R. Self, Esquire Messer Law Offices Post Office Box 1876 Tallahassee, Florida 32302-1876

Re: Docket No. 000814-EI

Dear Mr. Self:

This will acknowledge receipt of a request for confidentiality of documents and information provided to Florida Public Service Commission in connection with audit of 1999 earnings (Audit Control No. 00-054-4-2), by Florida Public Utilities Company, which was filed in this office on July 3, 2000 and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6248 or FAX (850) 413-7180.

Division of Records and Reporting Florida Public Service Commission

Kay Flynn

To:

Denise Vandiver

Cc:

Bob Freeman; Sylvia Pelt, Marguerite Lockard

Subject:

RE: FPUC audit - 000814-EI

Okay. I did reference both numbers in the docket title and description of the confidential filing. I'll wait to hear the results of your meeting, and amend the title etc. if necessary.

Thanks.

----Original Message-----From: Denise Vandiver

Sent: Wednesday, July 05, 2000 9:19 AM

To: Kay Flynn

Cc: Bob Freeman; Sylvia Pelt Subject: RE: FPUC audit 7/5/00: Advised by Bob Freenan That number to be rej'd is 4-2. Deleted 4-1 from title + doc. description. 19

No, I'm not sure what is going on, but maybe Bob will have time this week to straighten it out. The audits were performed at the same time, maybe the company thinks we put the confidential papers in both audits. This may require a meeting with Floyd, we will let you know, thanks

----Original Message----

From: Kay Flynn

Sent: Wednesday, July 05, 2000 7:34 AM

To: Denise Vandiver

Cc: Bob Freeman; Sylvia Pelt Subject: RE: FPUC audit

Correction! I found conf. material under 00-054-4-2 (07438-00) but not under 00-054-4-1.

----Original Message----

From: Kay Flynn

Sent: Wednesday, July 05, 2000 7:23 AM

To: Denise Vandiver

Cc: Bob Freeman; Sylvia Pelt

Subject: FPUC audit

We received a request for confidentiality and highlighted workpapers from Floyd Self on Monday for an audit of FPUC concerning 1999 earnings review. I'm going to open a new docket to handle this. He referenced audit control nos. 00-054-4-1 and 00-054-4-2. I cannot find any conf. material under the second number. I did find DNs 07437-00 (index) and 07438-00 (workpapers) under the first. Should I have anything confidential related to the second number?

Kay Flynn Division of Records and Reporting Florida Public Service Commission (850) 413-6744 kflynn@psc.state.fl.us

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Linda Williams

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From:

Mary Diskerud

Sent: To:

Monday, April 30, 2001 12:05 PM RAR - Orders-Notices

or000814 has been copied back to GCorders.