

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for rate) DOCKET NO. 920199-WS
increase in Brevard, Charlotte/) ORDER NO. PSC-92-1289-CFO-WS
Lee, Citrus, Clay, Duval,) ISSUED: 11/10/92
Highlands, Lake, Marion,)
Martin, Nassau, Orange,)
Osceola, Pasco, Putnam,)
Seminole, Volusia, and)
Washington Counties by SOUTHERN)
STATES UTILITIES, INC.; Collier)
County by MARCO SHORES)
UTILITIES (Deltona); Hernando)
County by SPRING HILL UTILITIES)
(Deltona); and Volusia County)
by DELTONA LAKES UTILITIES)
(Deltona))
_____)

ORDER GRANTING REQUEST FOR CONFIDENTIAL TREATMENT OF
THREE COST SEPARATION AUDITS INTERNALLY GENERATED BY
MINNESOTA POWER AND LIGHT COMPANY, DOCUMENT NO. 11023-92

By Request for Confidential Classification and Motion for Protective Order For Confidential Information, Southern States Utilities, Inc. and Deltona Utilities, Inc. (SSU) has requested that this Commission issue a protective order for materials and information requested by the Office of Public Counsel (OPC). Specifically, SSU's request is for confidential treatment of Document No. 11023-92, three cost separation audits prepared by Minnesota Power's Internal Audit Department, in response to OPC's Interrogatory No. 68.

SSU asserts that the three cost separation audits constitute "proprietary confidential business information" under Section 367.156(3), Florida Statutes, which includes "internal auditing controls and reports of internal auditors," and is information which this Commission has found to be confidential in the past. SSU requests that the materials and information described above provided in response to OPC's interrogatory be granted the protection of a Protective Order, which will protect the materials and information from disclosure.

Having confirmed that the subject document is what SSU claims it is, I find it appropriate, pursuant to this Commission's authority under Section 367.156, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, to grant SSU's Request for

DOCUMENT NUMBER-DATE

13216 NOV 10 1992

FPSC-RECORDS/REPORTING

ORDER NO. PSC-92-1289-CFO-WS
DOCKET NO. 920199-WS
PAGE 2

Confidential Classification and Motion for Protective Order. Accordingly, the documents received by OPC from SSU shall be kept confidential and be exempt from public disclosure under Section 119.07(1), Florida Statutes, for the duration of this Protective Order.

The confidential information discussed in the body of this Order shall be classified as proprietary confidential business information for a period not to exceed 18 months, as specified in Section 367.156(4), Florida Statutes, and in Rule 25-22.006(8), Florida Administrative Code. The confidential information shall be returned according to the procedures found in Rule 25-22.006, Florida Administrative Code, and Section 367.156, Florida Statutes.

It is, therefore,

ORDERED by Commissioner Betty Easley, as Prehearing Officer, that Southern States' Second Request for Confidential Classification and Motion for Protective Order of Document No. 11023-92 is hereby granted. It is further

ORDERED that all information received by the Office of Public Counsel or by the Commission from Southern States Utilities, Inc. and Deltona Utilities, Inc. in response to Public Counsel's Interrogatory No. 68, specifically the cost separation reports dated April, 1992, and January, 1989, prepared by Minnesota Power's Internal Audit Department, Document No. 11023-92, shall be treated as proprietary confidential business information within the meaning of section 367.156, Florida Statutes, and protected from public disclosure as required therein. It is further

ORDERED that the confidential information discussed in the body of this Order shall be classified as proprietary confidential business information for a period not longer than 18 months, as specified in Section 367.156(4), Florida Statutes, and Rule 25-22.006(8), Florida Administrative Code, and the confidential information shall be returned according to the procedures found in Rule 25-22.006, Florida Administrative Code, and Section 367.156, Florida Statutes. It is further

ORDERED that stringent measures shall be maintained to preserve the confidentiality of the documents protected by this Order. No disclosure of the documents protected by this Order shall be made or permitted. It is further

ORDER NO. PSC-92-1289-CFO-WS
DOCKET NO. 920199-WS
PAGE 3

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Commissioner Betty Easley, as Prehearing Officer, this 10th day of November, 1992.


BETTY EASLEY, Commissioner
and Prehearing Officer

(S E A L)

BE/KAC/MJF

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 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.