BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: INVESTIGATION INTO AFFILIATED ) DOCKET NO. 860001-EI-G

COST-PLUS FUEL SUPPLY RELATIONSHIPS OF ) ORDER NO. 20167-A

FLORIDA POWER CORPORATION ) ISSUED: 11-16-88

)

AMENDATORY ORDER REGARDING CONFIDENTIALITY

This amend- Order No. 20167 which was issued on 10-14-88. The original order erroneously denied specified confidential treatment to the documents listed below. Order No. 20167 also erroneously ruled upon the confidentiality of Document No. 2784-88 (Deposition of Upmeyer) under date of request 3/15/88, which had been correctly disposed of previously under Order No. 20168 issued 10-14-88. Furthermore, Order No. 20167 erroroneously ruled upon the confidentiality of Document Nos. 2978-88 and 2979-88 under date of request 4/13/88, which ruling was previously made in Order No. 19975-A issued 10-14-88.

This is a tentative ruling regarding the confidential nature of information filed with the Florida Public Service Commission in this docket. In the absence of a protest to this order, this ruling will serve as a final determination with respect to the confidentiality of the matters in issue.

Pursuant to Rule 25-22.006(4), Florida Administrative Code, Florida Power Corporation has requested specified confidential treatment for certain filings in the above-styled docket before the Florida Public Service Commission. The particular filings for which specified confidential treatment is requested are as follows:

DATE OF

REQUEST COMPANY DOCKET NO. DOCUMENT NUMBER(S)/REQUEST

3/15/88 FPC 860001-EI-G 2575-88, 2576-88, 2577-88,

2785-88 and 2786-88

(Depositions of Critchfield,

Pitcher, Heineka, Carter,

Edwards).

4/21/87 FPC 860001-EI-G 353l-87 (Information re:

Electric Fuels Corporation's Coal Contracts).

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DATE OF

REQUEST COMPANY DOCKET NO. DOCUMENT NUMBER(S)/REQUEST

4/15/88 FPC 860001-EI-G 293-88, and 2904-88 (Response

to Occidental's First Set of

Interrogatories).

7/03/88 FPC 860001-EI-G 5988-87 (FPC's July, 1987   
 Responses to OCC's Second Set of  
 Interrogatories).

4/11/88 FPC 860001-EI-G 3342-88, 3345-88, 3346-88,

88, and 3486-88 (Testimony of   
 Bass, Pyrdol, Stewart,and   
 Sansom).

3/28/88 FPC 860001-EI-G 3109-88 (FPC's Response to

Staff's Interrogatory No.

25).

8/09/88 FPC 860001-EI-G 8889-88 (FPC's Response to

Citizen's First Set of

Interrogatories, No. 64).

10/05/88 FPC 860001-EI-G 10670-88 (FPC's Response to

Citizen's Second Set of

Interrogatories, Nos. 85, 87, 94,  
 109, and 125).

The above documents contain information related to the utility's fuel contracts. Disclosure of this information, the utility contends, would likely impair its ability to negotiate future fuel and transportation contracts because potential bidders would be informed of current prices paid for these services.

Section 366.093(l), Florida Statutes, provides in

pertinent part:

Upon request of the public utility, any records   
received by the Commission which are shown to be   
proprietary confidential business information shall   
be kept confidential and shall be exempt from s. 119.07(1).

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Section 366.093(3), Florida Statutes, defines proprietary confidential business information as, among other things, information concerning bids or other contractual data, the disclosure of which would impair the efforts of the utility to contract for services on favorable terms.

Based upon an examination of the documents identified in the above-referenced Request for Specified Confidential Treatment, I find that said documents do contain confidential information which, if released, could affect the ability of Florida Power Corporation to contract for fuel on favorable terms.

In consideration of the above, it is

ORDERED that the Request for Specified Confidential Treatment specified above is approved. It is further

ORDERED that if, pursuant to Rule 25-22.006(2)(f), Florida Administrative Code, a protest is filed within fourteen (14) days of the date of this Order, it will be resolved by the appropriate Commission panel pursuant to Rule 25-22.006(3)(d), Florida Administrative Code.

By ORDER of Chairman Katie Nichols, as Prehearing Officer,

This 16th day of NOVEMBER, 1988.

KATIE NICHOLS, Chairman

and Prehearing Officer

(S E A L)

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