BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

COST-PLUS FUEL SUPPLY RELATIONSHIPS OF) ORDER NO. 20333

FLORIDA POWER CORPORATION ) ISSUED: 11-18-88

)

ORDER REGARDING CONFIDENTIALITY

This is a tentative ruling regarding confidential nature of information filed with the Florida Public Service Commission in this docked. ln 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 (FPC) and Occidental Chemical Corporation (OCC), have 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

11/07/88 OCC 860001-EI-G 11686-88 Testimony and Exhibits of  
 Sansom

11/07/88 OCC 860001-EI-G ll688-88 Testimony and Exhibits of  
 Barbaro

11/04/88 FPC 860001-EI-G 11614-88 Testimony and Exhibits of  
 Carter

11/04/88 FPC 860001-EI-G 11615-88 Testimony and Exhibits of  
 Heinicka

11/02/88 FPC 860001-EI-G 11506-88 Late Filed Exhibit #8  
 to October 21, 1988 deposition of  
 Bourn

11/02/88 FPC 860001-EI-G 11505-88 FPC Responses to Questions  
 1, 3, and 5 of Public Counsel's   
 October 21, 1988 Interrogatories

ORDER NO., 20333

DOCKET NO. 860001-EI-G

PAGE 2

DATE OF

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

11/03/88 FPC 860001-EI-G 11495-88 Pages 1-130, with Exhibit 10  
 to October 21, 1988 deposition of Bourn

11/03/88 FPC 860001-EI-G 11474-88 FPC's Responses to Staff's late  
 filed Requests Nos. 1 and 5 regarding  
 October 21, 1988 deposition of Bourn

11/03/88 FPC 860001-EI-G 11473-88 Response to Question No.  
 24-Staffs 1st Set of  
 Interrogatories. Responses to  
 Questions Nos. 68, 74, & 75 - Staff's   
 2nd Set of Interrogatories.   
 Response to Question No.  
 24-Citizen's 2nd Set of  
 Interrogatories.

11/09/88 FPC 860001-EI-G 11751-88 Responses to

Question No. 13(c) Staff's 1st  
 Set of Interrogatories

11/09/88 FPC 860001-EI-G 11689-88 Direct Testimony of   
 Jaron with exhibits

11/09/88 FPC 860001-EI-G 11752-88 Response to Interrogatory  
 No. 110-Public Counsel's 2nd Set of   
 Interrogatories

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

Section 366.093(1), 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).

ORDER NO., 20333

DOCKET NO. 860001-EI-G

PAGE 3

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.

Rule 25-22.006(4)(c), Florida Administrative Code, provides in pertinent part:

The burden of proof shall be on the source to show that the   
document or other material in question contains bona fide proprietary confidential business information. A request for specified confidential classification that fails to identify the proprietary information in sufficient detail to permit a reasoned analysis or which fails to provide a detailed justification for classification may be denied as insufficient on its face.

Based upon an examination of the above documents, I find that the request does not identify with sufficient specificity the material for which specified confidential treatment is requested.

In consideration of the above, it is

ORDERED that the Request for Specified Confidential Treatment specified above is denied. 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 18th day of November, 1988.

KATIE NICHOLS, Chairman

and Prehearing Officer

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