

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Fuel and Purchased Power ) DOCKET NO. 890001-EI  
 Cost Recovery Clause and Generating ) ORDER NO. 21284  
 Performance Incentive Factor ) ISSUED: 5-25-89  
 \_\_\_\_\_ )

ORDER GRANTING CONFIDENTIALITY TO PORTIONS  
OF TECO'S MARCH, 1989  
FUEL REPORT FORMS

Tampa Electric Company (TECO) has requested specified confidential classification for the following portions of its January 1989 fuel report:

Form 423-1(a): Columns (h),(i),(j),(k),(l),(m),(n) and (o)

Form 423-2(a): Columns (f),(h),(i),(j),(k) and (l)

Form 423-2(b): Columns (g),(i),(k),(l),(m),(n),(o) and (p)

All of these documents contain information related to the company's fuel contracts. Disclosure of this information, TECO contends, would be harmful to TECO's transportation, transloading and storage affiliates.

Section 366.093(1), Florida Statutes, states 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).

Subsection (3) of the section 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. Our confidentiality rule states that classification of material as proprietary confidential business information can be justified by demonstrating how the information it contains falls under one or more of the statutory examples. Rule 25-22.006(4), Florida Administrative Code.

In our discussion in Order No. 12645, the Commission has specifically found:

...The proprietary information for all types of fuel is transportation. Any breakout of transportation costs must be treated confidentially. In addition, F.O.B. mine prices for coal is proprietary in nature as is the price of fuel oil. Disclosure of separate transportation or F.O.B. mine prices would have a direct impact on a utility's future fuel and transportation contracts by informing potential bidders of current prices paid for services. ...

DOCUMENT NUMBER-DATE

05248 MAY 25 1989

FPC-RECORDS/REPORTING

ORDER NO. 21284  
DOCKET NO. 890001-EI  
PAGE 2

An examination of the TECO document DN 4976-89 shows that it contains confidential information which, if released, could affect the company's ability to contract for fuel on favorable terms.

In consideration of the foregoing, it is

ORDERED that the information TECO seeks to protect from public disclosure on its March, 1989 FPSC Forms 423-1(a), 412-2(a), and 423-2(b), identified as DN 4976-89 is confidential and shall continue to be exempt from the requirements of Section 119.07(1), Florida Statutes. It is further

ORDERED that if a protest is filed within 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 Commissioner John T. Herndon, as Prehearing Officer, this 25th day of MAY, 1989.

John T. Herndon  
JOHN T. HERNDON, Commissioner  
and Prehearing Officer

( S E A L )

BAB