

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for determination of need for West County Units 1 and 2 electrical power plants in Palm Beach County, by Florida Power & Light Company.

DOCKET NO. 060225-EI
ORDER NO. PSC-06-0419-CFO-EI
ISSUED: May 18, 2006

ORDER GRANTING CONFIDENTIAL TREATMENT

On March 14, 2006, Florida Power & Light Company (FPL) filed a Request for Confidential Classification for certain information contained in Appendices C-1 through C-5 to its Petition for Determination of Need filed in this docket. The information was filed with the Commission as Document No. 02158-06.

Section 366.093(1), Florida Statutes, provides that records that the Commission has found to contain proprietary confidential business information shall be kept confidential and shall be exempt from Chapter 119, Florida Statutes, Florida's Public Records Act. Section 366.093(3), Florida Statutes, defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and that has not been voluntarily disclosed to the public. Section 366.093(3), Florida Statutes, provides in pertinent part that proprietary confidential business information includes:

* * *

(d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms.

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

* * *

In support of its Request, FPL asserts that the redacted information contained in the Petition is entitled to confidential classification pursuant to Section 366.093(3)(d) and (e), Florida Statutes. FPL asserts that public disclosure of this information would cause irreparable harm to the competitive interests of FPL, as well as to the respondents who submitted sensitive competitive information to FPL as part of a Request for Proposals (RFP) process, as the disclosure of specific competitive data would impair FPL's and the respondents' ability to enter into contracts on favorable terms in the future. FPL states that this information was provided within proposals to build generating capacity or otherwise supply electrical power to FPL and contains sensitive proprietary business information about the companies' operations and costs.

DOCUMENT NUMBER-DATE

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FPL maintains that the information also contains competitively sensitive business information regarding FPL's business operations, which is not otherwise publicly available, and its disclosure would impair the competitive business of FPL by adversely affecting FPL's ability to make off-system sales which benefit FPL's customers.

FPL supplied a page-by-page listing of the specific information which it asserts is confidential; that listing is attached hereto, as Attachment A. I have reviewed the listing supplied by FPL, and have determined that it adequately and sufficiently identifies the specific information for which FPL requests confidentiality, in compliance with Rule 25-22.006, Florida Administrative Code. Upon review, it appears that the information contained in Appendixes C-1 through C-5 meets the definition of proprietary, confidential business information in Section 366.093(3), Florida Statutes, which, if disclosed, would cause irreparable harm to the business interests of FPL and the respondents to the RFP. Accordingly, FPL's request for confidential classification for the information appended to this Order as Attachment A is granted.

Section 366.093(4), Florida Statutes, provides that any finding by the Commission that records contain proprietary confidential business information shall be effective for a period not to exceed 18 months, unless the Commission finds good cause to specify a longer period. Therefore, Document No. 02158-06, in accord with Section 366.093(4), Florida Statutes, shall be granted confidential classification for a period of 18 months from the date of issuance of this Order.

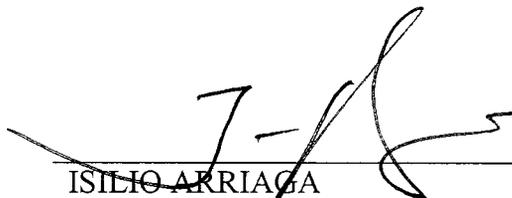
Based on the foregoing, it is

ORDERED by Isilio Arriaga, as Prehearing Officer, that Florida Power and Light Company's request for Confidential Classification is granted as set forth in the body of this Order. It is further

ORDERED that pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 366.093. It is further

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 Isilio Arriaga, as Prehearing Officer, this 18th day of
May, 2006.


ISILIO ARRIAGA
Commissioner and Prehearing Officer

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, Florida Administrative Code; or (2) 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 the Commission Clerk and Administrative Services, 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.

**Florida Power & Light Company
 Confidentiality Justification**

Appendix	Page Numbers	Description	Justification
C-1	DON 0001 – DON 0007	Guaranteed Firm Capacity & Heat Rates; Guaranteed Capacity Pricing; Guaranteed Energy Pricing; Availability & Outage Information; Guaranteed Startup Prices; Fuel Costs	Fla. Stat. § 366.093(3)(d)
C-2	DON 0008 – DON 1036	Forced Outage Rate; Heat Rate; Fixed O&M; Variable O&M; Capacity factor, Generation GWH; Fuel Cost; Production Cost in \$; Production Cost in \$/MWH	Fla. Stat. § 366.093(3)(d)&(e)
C-3	DON 1037 – DON 1143	Cash Flows with AFUDC; In-Service Costs for Capital Expenditures, Revenue Requirements Schedules, Annual Capacity Payment Schedules, Fixed O&M Payments, Capital Replacement Schedules for Portfolio Components, Portfolio Capacity Payments and Revenue Requirement Totals, Portfolio Fixed Costs, Portfolio Startup Costs, Portfolio Variable O&M Costs, Portfolio Variable Costs, Portfolio Fuel Costs	Fla. Stat. § 366.093(3)(d)&(e)

Appendix	Page Numbers	Description	Justification
C-4	DON 1144 – DON 7932	Plant lateral gas flow limits MCF/day, proposal name (capacity and technology description), ramp rate by station, down time by station, up time by station, on-line hours per start by station, start-up energy MBtu/start by station, start-up cost \$/start by station, variable O&M by station, force outage rate by station, minimum load heat rate by station, heat rate curve / incremental heat rate by station, capacity states by station, maintenance schedule (year, month, day, duration) by station, capacity by station, capacity output factor by station, fuel consumption MBtu by station, start-up cost M\$ by station, fuel cost M\$ by station, variable O&M cost M\$ by station, operating Cost \$/MWh by station, total Cost \$/MWh by station, average output heat rate by station, system start-up cost M\$, system Variable O&M cost M\$, system Operating Cost \$/MWh, system Total Cost \$/MWh, fuel consumption MBtu by fuel, fuel consumption unit by fuel, fuel cost M\$ by fuel, fuel rate \$/MWh by fuel, heat rate by fuel, thermal generation cost M\$, thermal generation cost \$/MWh, system total production cost M\$, system total production cost \$/MWh, system net production cost M\$, system net production cost \$/MWh, fuel MBtu by station by fuel, fuel unit by station by fuel, fuel cost M\$ by station by fuel, fuel rate c/KWh by station by fuel, station net output factor, capacity factor by plant, fuel consumption MBtu by plant, start-up cost M\$ by plant, variable O&M cost M\$ by plant, total cost M\$ by plant, total cost \$/MWh by plant	Fla. Stat. § 366.093(3)(d)&(e)
C-5	DON 7933 – DON 7943	Monthly capacity payments; Annual Capacity Payments; NPV Capacity Payments; Debt equivalence; Equity replaced to rebalance; Equity adjustment	Fla. Stat. § 366.093(3)(e)