

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery
clause with generating performance incentive
factor.

DOCKET NO. 060001-EI
ORDER NO. PSC-06-0570-CFO-EI
ISSUED: June 30, 2006

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S FIRST REQUEST
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION GRANTED
BY ORDER NO. PSC-04-1008-CFO-EI OF CERTAIN PORTIONS OF EXHIBIT GJY-1 TO
THE PREPARED TESTIMONY OF GERARD YUPP
(DOCUMENT NOS. 04667-04 (x-ref. 04171-04))

This Order addresses the continuation of confidential treatment for certain information on fuel hedging activities that is contained in Exhibit GJY-1 to the prepared testimony of Gerard Yupp dated April 1, 2004. By Order No. PSC-04-1008-CFO-EI the Commission initially granted confidential classification to portions of the document on October 18, 2004. On April 18, 2006, Florida Power & Light Company (FPL) requested that confidential treatment be extended for the information contained in Document Nos. 04667-04 (x-ref. 04171-04). The documents were granted confidentiality for 18 months, and FPL now requests that confidentiality be extended for an additional 18 months.

In its request, FPL states that the period of confidential classification granted by Order No. PSC-04-1008-CFO-EI will soon expire, and that all of the information covered by that Order warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093, Florida Statutes.

FPL contends that portions of Exhibit GJY-1 to the prepared direct testimony of Mr. Yupp contains fuel hedging information that relates to bids and other contractual data that comprises trade secrets of FPL, which allow FPL to purchase and sell fuel and electric power on favorable terms for FPL and its customers. According to FPL, the disclosure of that trade secret information would provide other participants in the fuel and electric power markets insight into FPL's marketing and trading practices that would allow them to anticipate FPL's marketing and trading decisions and impair FPL's ability to negotiate. FPL states that this information is intended to be and is treated by FPL as private and has not been publicly disclosed. In addition, FPL states that the material is intended to be and is treated by FPL as private, and has not been disclosed. Nothing has changed since the issuance of Order No. PSC-04-1008-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate, according to FPL.

As a result, FPL requests that the information identified in Order No. PSC-04-1008-CFO-EI be accorded confidential classification for an additional 18 month period.

Upon review, it appears that the information discussed above continues to be proprietary confidential business information within the meaning of Section 366.093, Florida Statutes. It

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remains “[t]rade secrets” or “[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the company to contract for services on favorable terms” or is “[i]nformation relating to competitive interest, the disclosure of which would impair the competitive business of the provider of information.” Therefore, FPL’s request for extension of confidential treatment of Document Nos. 04667-04 (x-ref. 04171-04) is granted as set forth in the body of this Order.


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, absent good cause shown. Accordingly, the information identified in Document Nos. 04667-04 (x-ref. 04171-04), shall be granted confidential classification for a period of 18 months from the issuance of this Order.

Based on the foregoing, it is

ORDERED by Commissioner Matthew M. Carter II, as Prehearing Officer, that the information described in the body of this Order and contained in Document Nos. 04667-04 (x-ref. 04171-04) shall be granted confidential classification for a period of 18 months from the issuance of this Order. It is further

ORDERED that this Order will be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Matthew M. Carter II, as Prehearing Officer, this 30th day of June, 2006.


MATTHEW M. CARTER II
Commissioner and Prehearing Officer

(SEAL)

LCB/pz

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.