

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Fuel and Purchased Power )	DOCKET NO. 900001-EI
Cost Recovery Clause and )	ORDER NO. 23568
Generating Performance )	ISSUED: 10-02-90
Incentive Factor. )	
_____)	

ORDER DENYING CONFIDENTIALITY FOR DOCUMENTS IN  
RESPONSE TO OPC'S SECOND REQUEST FOR PRODUCTION  
OF DOCUMENTS IN DOCKET NO. 900001-EI

On January 17, 1990, Florida Power Corporation (FPC), pursuant to Section 366.093, Florida Statutes and Rule 25-22.006, Florida Administrative Code, requested confidential treatment for pages 7982 through 8031 of its responses to OPC's second request for production of documents, also identified as DN 474-90, in Docket No. 900001-EI.

In its petition for confidential treatment, FPC contends that the material sought by the above-referenced production request includes a technical report and related documents prepared by FPC's engineering consultants which constitute proprietary engineering information which could be used by competitors to gain an economic advantage. We deny confidentiality without reaching FPL's assertion.

Rule 25-22.006(4), Florida Administrative Code, clearly states that the information asserted to be confidential must be highlighted. It further states that the utility must provide a line-by-line or field-by-field justification for confidential classification where the utility demonstrates how the information asserted to be confidential qualifies as one of the examples listed in s. 366.093(3), Florida Statutes, to the extent the Commission can make an informed decision.

FPC, rather than highlight the information they assert to be confidential, has drawn a large X on each page of the document with a highlighter, and thus, seems to be highlighting the entire document. FPC's highlighting of the entire document renders its petition for confidentiality overbroad. FPC must highlight only those portions they claim as confidential and then provide a specific line-by-line justification.

In consideration of the above, it is

ORDERED by the Florida Public Service Commission that FPC's Petition For Confidential Treatment of pages 7982 through 8031 of

DOCUMENT NUMBER-DATE

08841 OCT -2 1990

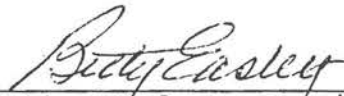
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its Responses to OPC's Second Request For Production Of Documents in Docket No. 900001-EI and identified as as DN 474-90 is denied.

ORDERED that if a protest is filed within 14 days 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 Betty Easley, Prehearing Officer, this 2nd day of OCTOBER, 1990.

  
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Betty Easley, Commissioner  
Prehearing Officer

( S E A L )

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