

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into affiliated) DOCKET NO. 860001-EI-G
cost-plus fuel supply relationships) ORDER NO. 23574
of Florida Power Corporation.) ISSUED: 10-03-90
_____)

ORDER GRANTING CONFIDENTIALITY TO PORTIONS OF THE
OFFICE OF PUBLIC COUNSEL'S AND
FLORIDA POWER CORPORATION'S SUPPLEMENTAL BRIEFS

Order No. 21816, relating to the establishment of a market price standard, authorized the parties to supplement their post-hearing briefs on the proper market price standard for Florida Power Corporation (FPC). On September 12, 1989 and September 25, 1989, the Office of Public Counsel (OPC) and FPC, respectively, filed a joint supplemental brief. Both OPC and FPC requested confidential classification of certain figures on page 5 of their briefs in documents identified as DN-9182 and DN-9589. Those numbers include the 1988 and 1989 F.O.B. mine cost of Powell Mountain Joint Venture (PMJV) coal and the 1989 F.O.B. mine cost of Reading & Bates coal to EFC. These numbers indicate the current costs of PMJV and Reading & Bates coal and data from which, the parties argue, the costs of delivery of these coals to Crystal River can be derived when compared to other public data. The parties contend that these numbers, if released, would impair the ability of EFC to contract for coal or transportation on the most favorable terms possible because potential suppliers of such goods and services would have access to inside data on recent competitive alternatives. We agree.

Section 366.093(3)(d), Florida Statutes, defines proprietary confidential business information to include:

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.

Such information is exempt from disclosure pursuant to Section 119.07(1), Florida Statutes, the Public Records Law.

An examination of the documents identified as DN-9182 and DN-9589 indicates they contain information which, if released,

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could impair the ability of the company to contract for goods or services on favorable terms.

Because FPC is unable to state at this time when the information will no longer be proprietary and subject to declassification, we find that the information on page 5 of the joint supplemental brief is entitled to confidential classification for a period of 18 months from the date of this Order pursuant to Section 366.093(4), Florida Statutes.

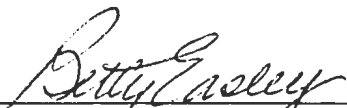
In consideration of the foregoing, it is

ORDERED that the Office of Public Counsel's and Florida Power Corporation's request for confidential classification of certain figures on page 5 of their joint supplemental brief is granted. It is further

ORDERED that the figures will be declassified 18 months from the date of this Order. 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 Betty Easley, Prehearing Officer, this 3-d day of OCTOBER, 1990.



BETTY EASLEY, Commissioner
and Prehearing Officer

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