

## BEFORE THE PUBLIC SERVICE COMMISSION

In Re: Fuel and Purchased	)	DOCKET NO. 900001-EI
Power Cost Recovery Clause and	)	ORDER NO. 23875
Generating Performance	)	ISSUED: 12-13-90
Incentive Factor.	)	
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ORDER GRANTING IN PART AND DENYING IN PART  
TECO'S REQUEST FOR RECONSIDERATION

Tampa Electric Company (TECO) filed the prepared direct testimony of William M. Cantrell on July 10, 1989. That document was identified as DN-6746-89. TECO, however, did not request confidential designation for any of the data in the testimony, and consequently, it was made public.

On July 25, 1989, TECO filed a revised exhibit of William N. Cantrell's testimony, identified as DN-7471-89. TECO requested specified confidential designation of the highlighted information contained therein pursuant to Section 366.093 of the Florida Statutes. TECO argued that public disclosure of the transportation costs and FOB mine prices contained therein could significantly harm the competitive position of certain TECO affiliates engaged in coal mining and coal transportation activities which could, in turn, be harmful to TECO and its customers. TECO also noted that in the past the Florida Public Service Commission (the Commission) routinely recognized the proprietary confidential nature of information such as that contained in DN-7471-89.

In Order No. 23582 TECO's request for confidential designation of the data in DN-7471-89 was denied. In turn, on October 18, 1990, TECO filed a request for reconsideration of the ruling set forth in Order No. 23582.

In DN-7471-89 TECO requested confidential designation for their FOB mine price, total coal cost, and total cost over/(under) benchmark figures in the coal market price application section of the document. It is true that in the past the Commission routinely recognized the proprietary confidential nature of such information. However, what distinguishes this case is that the same data in DN-7471-89 was already made public in DN-6746-89, and thus, pursuant to Section 366.093(3) is no longer proprietary business information entitled to confidentiality. Consequently, I decline to reconsider my previous ruling as to the FOB mine price, total coal cost, and total cost over/(under) benchmark figures in DN-7471-89.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

ORDER NO. 23875  
DOCKET NO. 900001-EI  
PAGE 2

In DN-7471-89, TECO also requested confidential designation for their weighted average water transportation cost from all TECO coal sources, over/(under) benchmark, total transportation cost, and total cost over/(under) benchmark figures in the transportation market price application section of the document. This data was originally made public in DN-6746-89 but the figures in DN-7471-89 were slightly different. Nevertheless, in Order No. 23582, TECO's request for confidential designation was denied on the grounds that the figures in DN-7471-89 were "not significantly different from" and were "basically the same as, the numbers filed earlier."

While the abovementioned data in DN-7471-89 is not significantly different from that in DN-6746-89 on its face, the difference is significant enough so that if it revealed may cause future harm to TECO's rate payers. Consequently, upon reconsideration of Order No. 23582, TECO's request for confidential designation for their weighted average water transportation cost from all TECO coal sources, over/(under) benchmark, total transportation cost, and total cost over/(under) benchmark figures in the transportation market price application section of DN-7471-89 is hereby granted.

Finally, in DN-7471-89, TECO requested confidential designation for their over/(under) benchmark figures in the coal market price application section of the document. In Order No. 23582 no ruling was made on TECO's request for confidential designation as applied to this figure. Furthermore, this figure was not revealed in any way in DN-6746-90. Consequently, I will take this opportunity to rule on TECO's request.

The over/(under) benchmark in the coal market price application section can be used in conjunction with the coal price benchmark to determine the TECO weighted average cost coal purchased (also referred to as FOB mine price). Usually, confidentiality would be granted in this case but since the TECO weighted average cost coal purchased figure in DN-7471-89 is not entitled to confidentiality there is no longer a reason to maintain the over/(under) benchmark figure confidential. Thus, TECO's request is denied.

In consideration of the foregoing, it is

ORDERED that TECO's request for reconsideration of the ruling in Order No. 23582 as applied to the FOB mine price, total coal cost, and total cost over/(under) benchmark figures in the coal

ORDER NO. 23875  
DOCKET NO. 900001-EI  
PAGE 3

market price application section of DN-7471-89 is hereby denied. It is further

ORDERED that TECO's request for confidential designation of the weighted average water transportation cost from all TECO coal sources, over/(under) benchmark, total transportation cost, and total cost over/(under) benchmark figures in the transportation market price application section of DN-7471-89 is hereby granted. It is further

ORDERED that TECO's request for confidential designation of the over/(under) benchmark figures in the coal market price application section of DN-7471-89 is hereby denied. 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.

By ORDER of Commissioner Betty Easley, as Prehearing Officer, this 13th day of DECEMBER, 1990.

  
BETTY EASLEY, Commissioner  
and Prehearing Officer

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