



**Florida
Power**
CORPORATION

JAMES A. MCGEE
SENIOR COUNSEL

February 25, 1997

Ms. Blanca S. Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket No. 970096-EQ

Dear Ms. Bayó:

Enclosed for filing in the subject docket are an original and fifteen copies of Florida Power Corporation's Request for Confidential Classification.

Please acknowledge your receipt of the above filing on the enclosed copy of this letter and return to the undersigned. Thank you for your assistance in this matter.

Very truly yours,

James A. McGee

FEB 26 1997

- ACK _____
- 1FA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- PPG _____
- THI _____
- SEC _____
- WAS _____

JAM/kp
Enclosure
cc: Parties of record

GENERAL OFFICE

X-44 DND 343-97
DOCUMENT NUMBER-DATE

02151 FEB 26 5
FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE

Docket No. 970096-EQ

I HEREBY CERTIFY that a true and correct copy of Florida Power Corporation's Request for Confidential Classification has been sent by regular U.S. mail to the following individuals on February 26, 1997:

D. Bruce May
Karen D. Walker
Holland & Knight LLP
P.O. Drawer 810
Tallahassee, FL 32302

Patrick K. Wiggins
Donna L. Canzano
Wiggins & Villacorta, P.A.
501 East Tennessee Street
Suite B
Post Office Drawer 1657
Tallahassee, FL 32302

Norma J. Rosner
General Counsel
Vastar Gas Marketing, Inc.
200 Westlake Park Boulevard
Suite 200
Houston, TX 77079-2648

Kenton Erwin
Destec Energy, Inc.
2500 CityWest Boulevard
Suite 150
Houston, TX 77042

John W. McWhirter, Jr.
McWhirter, Reeves, McGlothlin,
Davidson, Rief & Bakas
P.O. Box 3350
Tampa, FL 33601

R. Scheffel Wright
Landers & Parsons
P.O. Box 271
Tallahassee, FL 32308

Joseph A. McGlothlin
Vicki Gordon Kaufman
McWhirter, Reeves, McGlothlin,
Davidson, Rief & Bakas
117 South Gadsden Street
Tallahassee, FL 32301



Attorney

In re: Petition for expedited approval of an agreement to purchase the Tiger Bay cogeneration facility and terminate related purchased power contracts by Florida Power Corporation.

Docket No. 970096-EQ

Submitted for filing:
February 25, 1997

**FLORIDA POWER CORPORATION'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Florida Power Corporation (Florida Power), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, F.A.C., requests confidential classification of the highlighted information submitted to the Florida Public Service Commission (the Commission) with Florida Power's Notice of Intent to Request Confidential Classification filed in this docket on February 5, 1997. In support of its request, Florida Power states:

Background

On January 22, 1997, Florida Power filed with the Commission a petition for expedited approval of an agreement between Florida Power and Tiger Bay Limited Partnership (Tiger Bay) for the purchase of Tiger Bay's cogeneration facility and the termination of five purchase power agreements served by the Tiger Bay facility. The agreement provides that Florida Power is to assume Tiger Bay's existing natural gas supply contract with Vastar Gas Marketing, Inc. In its review of the purchase agreement, Staff asked Florida Power to submit a copy of the Vastar contract. Recognizing the confidential nature of the Vastar contract,

RECEIVED - DATE

02151 FEB 26 97

Florida Power complied with Staff's request by filing a Notice of Intent to Seek Confidential Classification along with a copy of the contract in which the confidential information had been highlighted, in accordance with Rule 25-22.006 F.A.C. This request provides the justification for confidential classification of the highlighted information.

Justification for Confidential Classification

At the outset of the negotiations which led to the Tiger Bay purchase agreement, Florida Power and Tiger Bay entered into a confidentiality agreement in order to facilitate the exchange of sensitive information that was needed to properly evaluate various purchase and sale proposals of the parties. In the confidentiality agreement, Florida Power acknowledged "that certain Proprietary Information [as defined in the agreement] is subject to confidentiality agreements between Tiger Bay and Vastar Gas ... and that FPC's compliance with this Agreement will enable Tiger Bay to comply with the confidentiality obligations with Vastar." The confidentiality agreement also provides that, in the either party breaches the agreement, the other party is entitled to damages.

Pursuant to this agreement, Tiger Bay provided Florida Power with a copy of the Vastar gas supply agreement, which Florida Power subsequently provided to the Commission at Staff's request. By virtue of the linkage between Florida Power's confidentiality agreement with Tiger Bay and Tiger Bay's confidentiality agreement with Vastar, Florida Power has a legal obligation to use reasonable

efforts to protect the confidentiality of the Vastar gas supply agreement. The public disclosure of the agreement may subject Florida Power to liability for damages incurred by Tiger Bay and/or Vastar as a result of such disclosure.

WHEREFORE, Florida Power Corporation requests that the highlighted information in the copy of the Vastar gas supply agreement submitted February 5, 1997 with Florida Power's Notice of Intent to Seek Confidential Classification be classified confidential.

Respectfully submitted,

OFFICE OF THE GENERAL COUNSEL
FLORIDA POWER CORPORATION

By 

James A. McGee
Post Office Box 14042
St. Petersburg, FL 33733-4042
Telephone: (813) 866-5184
Facsimile: (813) 866-4931