



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: April 12, 2002

TO: Office of the General Counsel (Elias, Helton)

FROM: Division of Economic Regulation (Harlow) *JMH/JTB/RZ* *020164-EQ*

RE: Florida Power Corporation's Request for Confidential Classification on DN 02244-02 *JDJ*

Florida Power Corporation (FPC) and Cedar Brakes IV, LLC (Cedar Brakes) have filed Joint Request for Confidential Classification for portions of document No. 02244-02. Document No. 02244-02 consists of: (a) Exhibit 1 to FPC's petition in Docket No. 020164-EQ, a Master Agreement to Amend and Restate Contracts for the Purchase of Firm Capacity and Energy (the Agreement), to be executed by FPC and Cedar Brakes upon approval of the Petition; and, (b) Exhibit 2 to FPC's petition in Docket No. 020164-EQ, the estimated savings to FPC's customers if the Agreement is approved. FPC and Cedar Brakes assert that the indicated portions of DN 02244-02 contain proprietary information which, if disclosed, would impair the parties' competitive interests.

Attached is a copy of the Joint Request for Confidential Classification and the redacted pages from DN 02244-02. Staff has reviewed DN 02244-02 and concurs with FPC and Cedar Brakes that the redacted portions of the document could impair the parties' bargaining position in future cogeneration contract negotiations. The redacted information primarily concerns: 1) the proposed capacity charge discounts; 2) the expected ratepayer savings resulting from the proposed capacity discounts; and, 3) liquidated damage requirements in the event of a default by the seller. Therefore, staff recommends that the redacted portions of DN 02244-02 be granted confidential status and remain confidential for a period of eighteen months from the date of the request in accord with Section 366.093(4), Florida Statutes.

Attachment

cc: Tom Ballinger, Division of Economic Regulation
 Roland Floyd, Division of Economic Regulation
 Blanca S. Bayo, Division of Records and Reporting

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FPSC-COMMISSION CLERK