

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation of Utility ) DOCKET NO. 870585-PU  
 Diversification Activities ) ORDER NO. 20317  
 \_\_\_\_\_ ) ISSUED: 11-16-88

ORDER REGARDING CONFIDENTIALITY

This is a tentative ruling regarding the confidential nature of information filed with the Florida Public Service Commission in this docket. In the absence of a protest to this order, this ruling will serve as a final determination with respect to the confidentiality of the matters in issue.

Pursuant to Rule 25-22.006(4), Florida Administrative Code, Florida Power and Light Company (FPL) has requested specified confidential treatment for certain filings in the above-styled docket before the Florida Public Service Commission. The particular filing for which specified confidential treatment is requested is as follows:

<u>DATE OF REQUEST</u>	<u>COMPANY</u>	<u>DOCKET NO.</u>	<u>DOCUMENT NUMBER(S)/REQUEST</u>
10/07/87	FPL	870585-PU	9483-87 - (FPL's Response to Interrogatory No. 5 - Staff's First Set of Interrogatories).

The above document contains information related to FPL's fuel contracts. Disclosure of this information, FPL contends, would likely impair its ability to negotiate future fuel and transportation contracts because potential bidders would be informed of current prices paid for these services.

Section 366.093(1), Florida Statutes, provides in pertinent part:

Upon request of the public utility, any records received by the Commission which are shown to be proprietary confidential business information shall be kept confidential and shall be exempt from s. 119.07(1).

Section 366.093(3), Florida Statutes, defines proprietary confidential business information as, among other things, information concerning bids or other contractual data, the disclosure of which would impair the efforts of the utility to contract for services on favorable terms.

Based upon an examination of the document identified in the above-referenced Request for Specified Confidential Treatment, I find that said document does not contain confidential information which, if released, could affect the ability of Florida Power and Light Company to contract for fuel on favorable terms.

In consideration of the above, it is

ORDERED that the Request for Specified Confidential Treatment specified above is denied for the filing identified. It is further

DOCUMENT NUMBER-DATE

12055 NOV 16 1988

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ORDERED that if, pursuant to Rule 25-22.006(2)(f), Florida Administrative Code, a protest is filed within fourteen (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 Chairman Katie Nichols, as Prehearing Officer, this 16th day of NOVEMBER, 1988.

Katie Nichols  
KATIE NICHOLS, Chairman  
and Prehearing Officer

(S E A L)

RF