

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power ) DOCKET NO. 890001-EI  
Cost Recovery Clause and Generating ) ORDER NO: 21115  
Performance Incentive Factor. ) ISSUED: 4-24-89

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ORDER GRANTING CONFIDENTIALITY TO PORTIONS  
OF FLORIDA POWER & LIGHT'S  
OCTOBER, NOVEMBER, AND DECEMBER, 1988,  
FUEL REPORT FORMS

Florida Power & Light Company (FPL) has requested specified confidential classification for portions of its fuel report forms. The items for which it seeks confidentiality are Form 423-1(a) of FPL's Monthly Fuel Reports for the months of October, November, and December, 1988. Form 423-1(a) contains invoice price of oil (\$/BBL), the invoice amount of oil, the discount for oil, the net amount paid for oil, the net price of oil (\$/BBL), transportation costs of oil, including barge lease and fuel costs, volume and quality inspection costs, and dockage and wharfage costs. Relying on Section 366.093(3)(d), Florida Statutes, FPL argues that public disclosure of such fuel contract information could provide an unfair advantage to present or potential suppliers, compromise FPL's negotiating position with its suppliers, and would impair its efforts to contract for services on favorable terms by making contractors/suppliers reluctant to offer their best pricing and terms.

Section 366.093(1) states 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).

Subsection 3 of the section 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. Our confidentiality rule states that classification of material as proprietary confidential business information can be justified by demonstrating how the information it contains falls under one or more of the statutory examples. Rule 25-22.006(4), Florida Administrative Code.

An examination of the FPL documents identified as DN 13090-88, DN 487-89, and DN 1677-89 shows that they contain confidential information which, if released, could affect the company's ability to contract for fuel on favorable terms.

In consideration of the foregoing, it is

ORDERED that Form 423-1(a) of FPL's Fuel Reports for the months of October, November, and December, 1988, in DN 13090-88, DN 487-89 and DN 1677-89, respectively, confidential and shall continue to be exempt from the requirements of Section 119.07(1), Florida Statutes. It is further

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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 John T. Herndon, as Prehearing Officer, this 24th day of APRIL, 1989.

John T. Herndon  
JOHN T. HERNDON, Commissioner  
and Prehearing Officer

( S E A L )

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