

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost ) DOCKET NO. 890001-EI  
Recovery Clause and Generating ) ORDER NO. 21118  
Performance Incentive Factor. ) ISSUED: 4-24-89  
\_\_\_\_\_)

ORDER GRANTING CONFIDENTIALITY TO  
PORTIONS OF TECO'S OCTOBER, NOVEMBER,  
AND DECEMBER, 1988 FUEL REPORT FORMS

Tampa Electric Company (TECO) has requested specified confidential classification for the following portions of its October, November, and December, 1988 fuel reports:

Form 423-1(a): Columns (h),(i),(j),(k),(l),(m),(n) and (o)

Form 423-2(a): Columns (f),(h),(i),(j),(k) and (l)

Form 423-2(b): Columns (g),(i),(k),(l),(m),(n),(o) and (p)

All of these documents contain information related to the company's fuel contracts. Disclosure of this information, TECO contends, would likely impair its ability to negotiate future fuel and transportation contracts because it would inform potential bidders of current prices paid for services.

Section 366.093(1), Florida Statutes, 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.

In our discussion in Order No. 12645, the Commission has specifically found:

...The proprietary information for all types of fuel is transportation. Any breakout of transportation costs must be treated confidentially. In addition F.O.B. mine prices for coal is proprietary in nature as is the price of fuel oil. Disclosure of separate transportation or F.O.B. mine prices would have a direct impact on a utility's future fuel and transportation contracts by informing potential bidders of current prices paid for services. ...

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An examination of the TECO documents DN 13066-88, DN 745-89, and DN 1774-89, 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 the information TECO seeks to protect from public disclosure on its October, November, and December, 1988 FPSC Forms 423-1(a), 423-2(a), and 423-2(b), identified as DN 13066-88, DN 745-89, and DN 1774-89 are confidential and shall continue to be exempt from the requirements of Section 119.07(1), Florida Statutes. 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 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

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