

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Fuel and Purchased Power ) DOCKET NO. 890001-EI  
Cost Recovery Clause and Generating ) ORDER NO. 21286  
Performance Incentive Factor ) ISSUED: 5-25-89  
\_\_\_\_\_)

ORDER GRANTING CONFIDENTIALITY TO PORTIONS  
OF FPL'S MARCH, 1989  
FUEL REPORT FORMS

Florida Power & Light (FPL) has requested specified confidential classification for Form 423-1(a) of its March, 1989 fuel report.

This document contains information related to the company's fuel contracts. Disclosure of this information, FPL 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)(d) 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.

Commission Order No. 18327 acknowledged that information necessary to complete FPSC Form 423-1(a) appears "to fall within the category of information addressed in Section 366.093(3)(d), Florida Statutes," in that disclosure of such information would be "reasonably likely to impair FPL's efforts to contract for services on favorable terms in the future."

An examination of the FPL document DN 4698-89 shows that it contains 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 FPL seeks to protect from public disclosure on its March, 1989 FPSC Forms 423-1(a) identified as DN 4698-89 is confidential and shall continue to be exempt from the requirements of Section 119.07(1), Florida Statutes. It is further

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05250 MAY 25 1989

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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 25th day of MAY, 1989.

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

( S E A L )

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