

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

|                                   |                      |
|-----------------------------------|----------------------|
| In Re: Complaint by CFR Bio-Gen ) | DOCKET NO. 900383-EQ |
| Corporation Against Florida )     | ORDER NO. 23581      |
| Power Corporation for alleged )   | ISSUED: 10-04-90     |
| violation of standard offer )     |                      |
| contract, and request for )       |                      |
| determination of substantial )    |                      |
| interests. )                      |                      |
| _____ )                           |                      |

ORDER DENYING CFR BIO-GEN'S REQUEST FOR CONFIDENTIAL  
TREATMENT OF PORTIONS OF ITS PROJECT DEVELOPMENT AGREEMENT

On May 4, 1990, CFR Bio-Gen Corporation (CFR) pursuant to Section 366.093, Florida Statutes and Rule 25-22.006, Florida Administrative Code, petitioned the Florida Public Service Commission (Commission) to classify a document identified as DN 3962-90 as confidential. This document was attached as Exhibit C to a Petition for Declaratory Statement and a Complaint and Request for Determination of Substantial Interests filed by CFR.

Most of information found in Document No. 3962-90 is not needed by the Commission to resolve this matter, and thus, shall be returned to the petitioner pursuant to Section 366.093(4), Florida Statutes. However, Page 12, Section 6.6, lines 19 and 23 relates to the amount of biogas that will be burned in the petitioner's facility and may be a factor in resolving this dispute. Therefore, this information will be retained.

CFR claims that the information found on Page 12, Section 6.6, lines 19 and 23 of the document in question is proprietary in nature and if revealed will deprive CFR of the proprietary advantage it holds over competitors in regard to its biogas production technology. It further asserts that disclosure of this information would make available to competitors the approach to investing and doing business unique to CFR and the other party to the contract.

Page 12, Section 6.6, lines 19 and 23 merely relates to the amount of biogas that will be burned in the facility. While biogas production technology may be proprietary in nature, there is no proprietary interest in the amount of biogas that will be burned at CFR's facility.

Furthermore, this Commission does not agree that disclosure of the amount of biogas to be burned will make available to

DOCUMENT NUMBER-DATE

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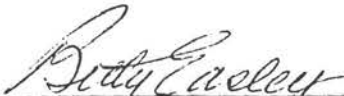
competitors the approach to investing and doing business unique to CFR and the other party to the contract. Fuel type may be a factor in determining the nature of this project and may be a consideration in the Commission's determination. Thus, this information should be made public.

In consideration of the above, it is

ORDERED that CFR Bio-Gen's request for classification of Page 12, Section 6.6, lines 19 and 23 of DN 474-90 as confidential is denied. 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)(c), Florida Administrative Code.

By ORDER of Betty Easley, Prehearing Officer, this 4th day of OCTOBER, 1990.

  
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BETTY EASLEY, Commissioner  
and Prehearing Officer

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