

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power)	DOCKET NO. 900001-EI
Cost Recovery Clause and Generating)	ORDER NO. 23877
Performance Incentive Factor)	ISSUED: 12-13-90
_____)	

ORDER REGARDING CONFIDENTIALITYJUSTIFICATION

Florida Power & Light Company (FPL) requests specified confidential classification of the following documents:

Document No. 13004-88, workpaper 25-3 page 1 and workpaper 25-5

Document No. 12479-86, workpaper dates October 20, 1986, "Review of Nuclear Contracts," pages 1-4

These documents are Commission staff workpapers compiled in the course of fuel audits for the six months ending September 30, 1988 and September 30, 1986. FPL provided access to the information from which the workpapers were developed. The information in DN 13004-88 workpaper 25-3 page 1 and workpaper 25-5 pertains to natural gas fuel contracts. The information in DN 12479-86 "Review of Nuclear Contracts" pages 1-4 pertains to a contract for the supply of nuclear fuel. These requests for specified confidential classification are made pursuant to Section 366.093(3)(d), Florida Statutes, which includes as entitled to confidentiality "[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms."

With regard to the natural gas fuel contract information described above, FPL refers to the following as justification for finding this type of information confidential:

the unique characteristics of the natural gas market for FPL's service area, the disclosure of information regarding terms and conditions that affect or specify price or price related terms and conditions is reasonably likely to impair the efforts of FPL to contract for natural gas on favorable terms in the future.

DOCUMENT NUMBER-DATE

11003 DEC 13 1990

FPC-RECORDS/REPORTING

ORDER NO. 23877
DOCKET NO. 900001-EI
PAGE 2

FPL elaborates on the unique nature of the natural gas market as follows:

[T]he natural gas market for FPL's service area is characterized by a limited number of sellers and buyers. Under open access FPL's needs for natural gas, due to its magnitude, will limit the number of suppliers that can meet FPL's requirements. This limited availability of suppliers coupled with FPL's presence as a significant buyer creates a unique market wherein the confidentiality of the price, terms, and conditions of the supply of natural gas to FPL is necessary to gain the most favorable natural gas supply contracts for FPL's ratepayers. While Florida Gas Transmission Company (FGT) is the only pipeline offering the transportation of natural gas available to the Florida peninsula, alternative substitute fuels such as coal or oil combined with FPL's status as a significant fuel buyer in Florida allows FPL to gain concessions that otherwise would not be available for sales of natural gas and/or transport thereof. Disclosure of contractual data relating to the sale or transportation of natural gas to FPL is reasonably likely to impair FPL's efforts to gain concessions in the future. Firms are presently willing to provide concessions to FPL due to the limited natural gas market in Florida and FPL's presence in the market. However, if contractual data such as the identified material obtained by Staff is made public it is likely that FPL will not be able to gain concessions in the future.

With regard to the nuclear fuel supply contract information described above, FPL states as justification for finding this type of information confidential that:

[t]he market for nuclear fuel is dominated by a relatively small number of firms worldwide. This relatively small number of firms creates an environment in which FPL, as a significant buyer, can negotiate price concessions otherwise not available. Therefore, the disclosure of FPL's nuclear fuel contracts most likely will negate any possibility of future price concessions for FPL.

ORDER NO. 23877
DOCKET NO. 900001-EI
PAGE 3

I find that FPL has justified specified confidential classification of the material identified above. The documents identified reflect terms and conditions of natural gas and nuclear fuel contracts which, if made public, would likely impair FPL's efforts to contract for those goods or services on favorable terms.

DECLASSIFICATION

FPL proposes the following declassification schedule:

DN 13004-88, workpaper 25-3 page 1
and workpaper 25-5 December 31, 2003

DN 12479-86, workpaper dated
October 20, 1986, "Review of
Nuclear Contracts," pages 1-4 June 1, 2009

At the time these requests for confidentiality were filed, Section 366.093 was silent regarding a time frame for declassification. Our rules required only that the company give, if possible, the date after which classification would no longer be necessary. Rule 25-22.006, Florida Administrative Code (1989). The dates given represent a time frame of six months after the expiration of the pertinent contract. I therefore approve FPL's proposed declassification schedule.

In consideration of the foregoing it is

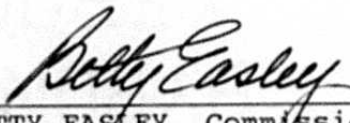
ORDERED that DN 13004-88, workpaper 25-3 page 1 and workpaper 25-5 and DN 12479-86, "Review of Nuclear Contracts" pages 1-4 are classified specified confidential. It is further

ORDERED that the declassification schedule set forth above is approved. It is further

ORDERED that if pursuant to Rule 25-22.006(3)(b), Florida Administrative Code, 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.

ORDER NO. 23877
DOCKET NO. 900001-EI
PAGE 4

By ORDER of Commissioner Betty Easley, as Prehearing Officer,
this 13th day of DECEMBER, 1990.


BETTY EASLEY, Commissioner
and Prehearing Officer

(S E A L)

BE/MJL

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

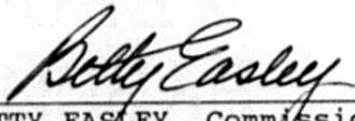
Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration from the full Commission within 14 days pursuant to Rule 25-22.006(3), Florida Administrative Code, for rulings on confidentiality issued by a Prehearing Officer; 2) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, for any rulings on issues other than confidentiality if issued by a Prehearing Officer; 3) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 4) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or sewer utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida

ORDER NO. 23877
DOCKET NO. 900001-EI
PAGE 5

Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

ORDER NO. 23877
DOCKET NO. 900001-EI
PAGE 4

By ORDER of Commissioner Betty Easley, as Prehearing Officer,
this 13th day of DECEMBER, 1990.


BETTY EASLEY, Commissioner
and Prehearing Officer

(S E A L)

BE/MJL

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration from the full Commission within 14 days pursuant to Rule 25-22.006(3), Florida Administrative Code, for rulings on confidentiality issued by a Prehearing Officer; 2) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, for any rulings on issues other than confidentiality if issued by a Prehearing Officer; 3) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 4) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or sewer utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida