

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power  
Cost Recovery Clause and  
Generating Performance Incentive  
Factor

DOCKET NO. 980001-EI  
ORDER NO. PSC-98-0540-CFO-EI  
ISSUED: April 20, 1998

ORDER GRANTING CONFIDENTIAL CLASSIFICATION OF CERTAIN MATERIAL  
OBTAINED DURING THE CAPACITY COST RECOVERY CLAUSE AUDIT OF  
FLORIDA POWER & LIGHT COMPANY  
(DOCUMENT NOS. 06846-97 & 06102-97)

Florida Power & Light Company (FPL) requests confidential classification of certain material obtained during the Capacity Cost Recovery Audit (Audit). FPL makes this request pursuant to Section 366.093(3)(d) and (e), Florida Statutes, and Rule 25-22.006, Florida Administrative Code. FPL asserts that this information is intended to be and is treated by FPL and its affiliates as confidential information. FPL affirms that this information has not been publicly disclosed. The information for which FPL wishes confidential treatment is contained in Document Nos. 06846-97 & 06102-97.

FPL requests that the information contained in workpaper numbers: 43-1, UPS Capacity Charges, pages 1 and 2, columns 1-7 and note 1; 43-1/1, Check Request/Wire Transfer, column 1, figures a and b; 43-1/2, So. Company Service Inv. 6/96, columns 1-3; 43-1/2-1, Actual Capacity Charges 4/96, columns 1-4; 43-1/2-2, UPS Capacity Interest Calculation, columns 1-4; 43-1/2-3, Summary of Previous Month Adj., columns 1-4; 43-1/2-3/1, Revised Rate To Support Previous Month Adjustment, pages 1-4, all monthly and total columns; 43-1/2-3/2, Revised Rate to Support Previous Monthly Adjustment, pages 1-4, all monthly and total columns; 43-1/3-1, Alabama Power Capacity Charge 6/96 Budget, pages 1-16, columns 1-5, figure "A," pages 2-7, columns 1-5, pages 8-9, columns 1-6, notes A, B, C and D, page 10, columns 1-6, pages 11-12, columns 1-5, note A, pages 13-16, columns 1-3; 43-1/3-2, Georgia Power Capacity Charge 6/96 Budget, pages 1, 4-7 "Unit 3" and "References" columns, page 4, entire notes section, pages 8-9, "Total Production" "Unit 3" "Reference Manual" columns and "Notes" sections, page 10, columns 1-6, pages 11-12, "Unit 3" "Reference Manual" columns, page 13, columns 1-3; 43-1/3-3, Gulf Power Capacity Charge 6/96 Budget, page 1, "Unit 3" "References" columns, pages 2-7, "Unit 3" and "References" columns, pages 8-9, "Total Prod" "Unit 3" columns, page 10, columns 1-6, pages 11-12, "Unit 3" "Reference manual" columns and "Notes" section, page 13, columns 1-3; 43-1/3-4, Alabama Power Capacity Charge 4/96 Actual, page 1, columns 1-5 and

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"Notes" section, pages 2-7, columns 1-5, pages 8-9, columns 1-6 and "Notes" section, page 10, columns 1-6, pages 11-12, columns 1-5 and "Notes" sections, pages 13-16, columns 1-3; 43-1/3-5, Georgia Power Capacity Charge 4/96 Actual, pages 1-7, "Unit 3" and "Reference" columns, pages 8-9, "Total Prod" and "Unit 3" "Reference Manual" columns and "Notes" sections, page 10, columns 1-6, pages 11-12, "Unit 3" "Reference Manual" columns, page 13, columns 1-3; 43-1/3-6, Gulf Power Capacity Charge 4/96 Actual, page 1, "Unit 3" "References" columns and "Notes" section, pages 2-7, "Unit 3" and "References" columns, pages 8-9, "Total Prod." "References" and "Unit 3" columns and the "Notes" section, page 10, columns 1-6, pages 11-12, "Unit 3" "Reference Manual" columns and "Notes" section, page 13, columns 1-3; 45-1, Actual Interchange and Power Bill, pages 1-12, columns 1, 3, 4, 6; 54-2, Summary of Invoices, page 1, all monthly and total columns; 45-3 Billing Statement 8/96 page 1, all figures in the "Amount" column; 45-3/1, Indiantown Capacity Payment, page 1, columns 1-3; 45-3/2, Indiantown-Credit Due-Maint 8/96, page 1, columns 1-8, calculations denoted by "B;" 45-3/2-1, Calc. Of Unit Energy Cost, page 1, figures in columns 1, 2, and 4-12; 49-1, Q F Monthly Billing Statement, page 1, all information to the right of colons on lines 1-19; 49-1/1, Daily Energy Payment Summary, page 1, columns 1, 2, lines 3, 4, and 5; 49-1/1-1, Q F Daily Energy Payment Summary, page 1, columns 3, 4, 6, "Unit Energy Cost" dollar amount handwritten notes "B;" pages 2-31, columns 3, 4, 6 and "Unit Energy Cost" dollar amounts be granted confidential classification.

FPL asserts that the information described above is confidential information under both subsections (d) and (e) of Section 366.093, Florida Statutes. FPL maintains that this information is both contractual pricing information and contractual data which, if disclosed could potentially cause competitive harm to FPL's interests. FPL asserts that, pursuant to Section 366.093, Florida Statutes, such information is entitled to confidential classification and is exempt from the mandatory disclosure provisions of the public records law. FPL asserts that this information "concerns 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." Section 366.093(3)(d), Florida Statutes. FPL also asserts that the information for which it seeks confidential classification relates "to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." Section 366.093(3)(e), Florida Statutes.

ORDER NO. PSC-98-0540-CFO-EI  
DOCKET NO. 980001-EI  
PAGE 3

Upon review it appears that the information discussed above is proprietary, confidential business information and should be given confidential treatment for a period of eighteen months from the date of the issuance of this Order to avoid harm to the company and its ratepayers. Based on the foregoing, FPL's request for confidential treatment of Document Nos. 06846-97 and 06102-97 is granted.

FPL also requests that the confidential information be returned to FPL "in accordance with section 366.093(4) of the Florida Statutes as soon as the information is no longer necessary for the Commission to conduct its business." However, audit workpapers are retained by the Commission and not returned to the parties. If FPL wishes continued protection for these documents, they may petition for continued protection at the expiration of the confidential period, if appropriate.

In consideration of the foregoing, it is therefore

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that the information described in Florida Power & Light Company's request for confidential treatment of certain material obtained during the capacity cost recovery clause audit Document Nos. 06846-97 & 06102-97 is granted confidential classification. It is further

ORDERED that the information described within the body of this Order shall be granted confidential treatment for 18 months. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

ORDER NO. PSC-98-0540-CFO-EI  
DOCKET NO. 980001-EI  
PAGE 4

By ORDER of Commissioner Susan F. Clark as Prehearing Officer,  
this 20th Day of April, 1998.

  
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SUSAN F. CLARK  
Commissioner and Prehearing Officer

( S E A L )

GAJ

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 wastewater utility. A motion for reconsideration shall be filed with the Director, Division of

ORDER NO. PSC-98-0540-CFO-EI  
DOCKET NO. 980001-EI  
PAGE 5

Records and Reporting, in the form prescribed by Rule 25-22.060, Florida 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.