

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Generic investigation of
cost allocation and affiliated
transactions for electric
utilities.

DOCKET NO. 980643-EI
ORDER NO. PSC-98-0997-CFO-EI
ISSUED: July 22, 1998

ORDER GRANTING CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 05211-98)

Pursuant to Rule 25-22.006, Florida Administrative Code and Section 366.093, Florida Statutes, Florida Power Corporation (FPC) requests confidential classification for portions of Document Number 05211-98. This document contains certain information responsive to staff data requests regarding FPC's non-utility activities. This information was requested after staff received FPC's response to a staff questionnaire regarding regulated utilities' accounting procedures for non-utility activities. Staff requested FPC respond to the following three questions:

1. Please list the name and a brief description of each nonregulated activity (nonutility above or below the line) being performed. If the activity does not have a formal name, please identify the activity by the function or functions performed.
2. Please list the total revenues and expenses by activity and FERC account for 1997.
3. Please indicate the approximate number of utility employees who perform nonregulated duties by activity, and the percentage of time these employees perform these duties by activity; A listing by employee is not necessary.

FPC provided staff with a table listing this information along with a request for confidential classification in accordance with Rule 25-22.006, Florida Administrative Code.

FPC asserts that this information is and is treated as confidential by FPC and its affiliates and has not been publicly disclosed. FPC maintains that the information provided to staff in Document Number 05211-98 is proprietary, confidential business information and is entitled to confidential classification pursuant

DOCUMENT NUMBER-DATE

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FPC-RECORDS/REPORTING

to Section 366.093, Florida Statutes and Rule 25-22.006, Florida Administrative Code.

I. SPECIFIC REQUESTS

A. Revenue and Expense Information

Specifically, FPC requests that the information contained in its response to questionnaires 1, 2, and 3, as described in the table below, be granted confidential classification.

TABLE 1: INFORMATION CONCERNING REVENUES AND EXPENSES OF NON-UTILITY ACTIVITY

EXHIBIT NUMBER	COLUMN	ROW	DESCRIPTION	FERC NUMBER
1	E	9, 10	LEASE SPACE ON FIBER OPTIC CABLE NETWORK IN SERVICE AREA	41701, 41711
1	E	13, 14	BUY/RESALE ELECTRIC POWER AT MARKET BASED RATES TO ENTITIES OUTSIDE OF FL (NOT INVOLVING GENERATION RESOURCES USED TO SUPPORT NATIVE LOAD)	41705, 41715
1	E	17	SURGE PROTECTORS AND METERTREATERS FOR RESIDENTIAL CUSTOMERS	41704
1	E	19	HVAC	41704

EXHIBIT NUMBER	COLUMN	ROW	DESCRIPTION	FERC NUMBER
1	E	21	CONSULTING SERVICES FOR COMMERCIAL AND INDUSTRIAL CUSTOMERS	41704
1	E	23	INFRARED SCANNING AND INDIVIDUALIZED REPORTING FOR COMMERCIAL/INDUSTRIAL CUSTOMERS	41704
1	E	25, 26	SUPPLY AND INSTALL SELECTED PRODUCTS (UPS/BACKUP GEN/CVS/SUBMETERING)	41704
1	E	29	ACCUMULATES CHARGES FOR WORK PERFORMED ON BUSINESS CASES FOR POTENTIAL NEW PRODUCTS AND SERVICES	41717
1	E	35	POWER QUALITY MASS	41717
1	E	36	HVAC	41717
1	E	37	POWER QUALITY CONSULTING SERVICES	41717
1	E	38	INFRARED SCANNING SERVICES	41717

EXHIBIT NUMBER	COLUMN	ROW	DESCRIPTION	FERC NUMBER
1	E	39	POWER CONDITIONING SERVICES	41717

FPC asserts that the information described in the table above is information listing the revenues and expense associated with each non-utility competitive activity. This information reveals the level at which FPC is engaged, and the associated profitability, for each of the listed competitive activities. The information is therefore highly sensitive proprietary, confidential, trade secret information, the disclosure of which could subject FPC to competitive disadvantage if revealed to others engaged in these activities, to prospective customers of the goods and services provided through these activities, or to vendors of the materials and supplies utilized by FPC in performing and marketing these activities.

B. Development of Nonutility Activities

FPC also requests that the information described in the following table be granted confidential classification.

TABLE 2: ACCOUNT DESCRIPTION AND ACTIVITY DESCRIPTION OF TWO PARTICULAR NON-UTILITY COMPETITIVE ACTIVITIES

EXHIBIT NUMBER	COLUMN	ROW	FERC NUMBER
1	C, E, G	31, 33	41717

FPC asserts that the information described in the table above is pertinent to two particular non-utility competitive activities. These two activities are currently in a development stage and, for this reason, FPC has taken great care to guard against premature disclosure of its plans to enter into these competitive business markets. This descriptive information is therefore highly sensitive proprietary, confidential, trade secret information, the disclosure of which could subject FPC to competitive disadvantage by revealing its business plans to others currently or prospectively engaged in these competitive activities.

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FPC requests that this information be granted confidential classification for a period of 18 months from the date of the issuance of this Order.

III. RULING

A. Confidentiality

Upon review, it appears that the information for which confidential classification is sought is confidential, proprietary business information related to trade secrets and competitive interests under Section 366.093(3)(a) and (e), Florida Statutes. This information includes business development plans, marketing strategies and pricing information which, if disclosed "would impair the competitive business of the provider of the information." Section 366.093(3)(e), Florida Statutes.

B. Declassification

This information is entitled, therefore, to confidential classification for a period of 18 months from the date of the issuance of this Order in accordance with Section 366.093(4), Florida Statutes.

Based on the foregoing, it is

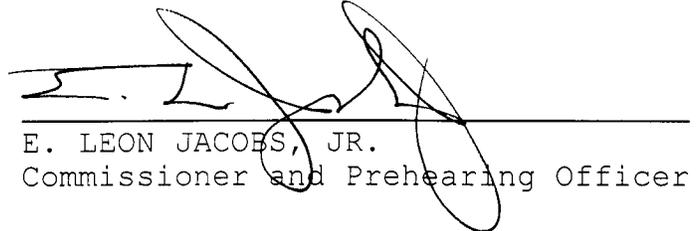
ORDERED by Commissioner E. Leon Jacobs, as Prehearing Officer, that the information contained in Document No. 05211-98 is granted confidential classification. It is further

ORDERED that pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of issuance of this Order in the absence of a renewed request for confidentiality. 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.

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By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, this 22nd day of July, 1998.



E. LEON JACOBS, JR.
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.

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 25-22.038(2), 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 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.

M E M O R A N D U M

JULY 21, 1998

RECEIVED-FPSC

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RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (JAYE *WJ*)
RE: DOCKET NO. 980643-EI - GENERIC INVESTIGATION OF COST
ALLOCATION AND AFFILIATED TRANSACTIONS FOR ELECTRIC
UTILITIES

DOCUMENT NO. 05211-98

98-0997-CFO

Attached is an ORDER GRANTING CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 05211-98, to be issued in the above referenced
docket. (Number of pages in order - 7)

GAJ/js

Attachment

cc: Division of Auditing and Financial Analysis (Slemkewicz,
Salak)

I:05211.98.GAJ

MUST GO TODAY

*forward - 6/11
wanted -*