

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NOS. 990001-EI
 ORDER NOS. PSC-99-1695-CFO-EI
 ISSUED: August 31, 1999

ORDER GRANTING CONFIDENTIAL CLASSIFICATION OF CERTAIN MATERIAL
 OBTAINED DURING THE CAPACITY COST RECOVERY CLAUSE AUDIT OF
 FLORIDA POWER & LIGHT COMPANY (DOCUMENT NOS. 06352-98,
 06353-98, and 06935-98)

Florida Power & Light Company (FPL) requests confidential classification of certain material obtained during the Fuel Capacity Cost Recovery Clause Audit (Audit). FPL makes this request pursuant to Section 366.093, 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. 06352-98, 06353-98, and 06935-98.

FPL requests that the following workpapers be granted confidential classification:

WORKPAPER NOS.	PAGE	LINE	DISPOSITION	TYPE OF INFORMATION CLASSIFIED CONFIDENTIAL
9	1-3	ALL	Grant	Reports information pertaining to the reports of internal auditors
9-2	1	All	Grant	Reports information pertaining to the reports of internal auditors
12-1/2-4/1-1/1	1-9	All	Grant	Reports information pertaining to the reports of internal auditors

DOCUMENT NUMBER-DATE

10403 AUG 31 99

FPSD-RECORDS/REPORTING

WORKPAPER NOS.	PAGE	LINE	DISPOSITION	TYPE OF INFORMATION CLASSIFIED CONFIDENTIAL
12-1/2-5/1-1	1-2	All	Grant	Reports information pertaining to the reports of internal auditors
12-1/5-1-1/1	1-3	All	Grant	Reports information pertaining to the reports of internal auditors
12-1/2-7	1-2	All	Grant	Reports information pertaining to the reports of internal auditors
40-3	1-6	All	Grant	Reports information pertaining to the reports of internal auditors
43	1-2	All	Grant	Reports confidential information
43-1	1-2	All	Grant	Reports confidential information
43-1/1	1	All	Grant	Reports confidential information
43-1/1-1	1	All	Grant	Reports confidential information
43-1/1-2	1	All	Grant	Reports confidential information
43-1/1-3	1	All	Grant	Reports confidential information
43-1/1-4	1-7	All	Grant	Reports confidential information
43-1/2	1	All	Grant	Reports confidential information

WORKPAPER NOS.	PAGE	LINE	DISPOSITION	TYPE OF INFORMATION CLASSIFIED CONFIDENTIAL
43-1/2-1	1-5	All	Grant	Reports confidential information
43-1/2-1/1	1-2	All	Grant	Reports confidential information
43-1/2-1/1-2	1-12	All	Grant	Reports confidential information
43-1/2-2/1	1	All	Grant	Reports confidential information
43-1/2-2/2	1	All	Grant	Reports confidential information
43-1/2-2/2-1	1	All	Grant	Reports confidential information
43-1/3-1	1-16	All	Grant	Reports confidential information
43-1/3-1/1	1	All	Grant	Reports confidential information
43-1/3-2	1-13	All	Grant	Reports confidential information
43-1/3-3	1-13	All	Grant	Reports confidential information
43-1/3-4	1-16	All	Grant	Reports confidential information
43-1/3-5	1-13	All	Grant	Reports confidential information
43-1/3-6	1-13	All	Grant	Reports confidential information
44	1	All	Grant	Reports confidential information
44	2	All	Grant	Reports confidential information

WORKPAPER NOS.	PAGE	LINE	DISPOSITION	TYPE OF INFORMATION CLASSIFIED CONFIDENTIAL
44	3	All	Grant	Reports confidential information
44A	1-6	All	Grant	Reports confidential information
44-1	page 2	All	Grant	Reports confidential information
44-1/1	1-12	All	Grant	Reports confidential information
44-1/2	1-14	All	Grant	Reports confidential information
44-1/3	page 1	All	Grant	Reports confidential information
44-1/3	page 2	All	Grant	Reports confidential information
44-1/3	page 4	All	Grant	Reports confidential information
44-1/5	page 1	All	Grant	Reports confidential information
44-1/5	page 2	All	Grant	Reports confidential information
45-2	1-2	All	Grant	Reports confidential information
45-2/1	1-2	All	Grant	Reports confidential information
45-2/2	1	All	Grant	Reports confidential information
45-2/3	1	All	Grant	Reports confidential information

FPL asserts that the information described above is confidential information under both subsections (d) and (e) of

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Section 366.093, Florida Statutes. FPL seeks confidential classification for the audit report and audit working papers which disclose information related to competitive interests, the disclosure of which would impair the competitive business of FPL. Also, FPL requests confidential classification for the internal audit controls, reports of internal auditors and related information, as well as, information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods and services on competitive terms.

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.

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. 06352-98, 06353-98, and 06935-98 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.

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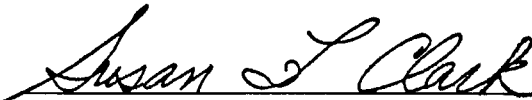
In consideration of the foregoing, it is therefore

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that the information described in Florida Power and Light Company's request for confidential treatment of certain material obtained during the capacity cost recovery clause audit Document Nos. 06352-98, 06353-98, and 06935-98 are 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.

By ORDER of Commissioner Susan F. Clark as Prehearing Officer, this 31st Day of August, 1999.



SUSAN F. CLARK
Commissioner and Prehearing Officer

(S E A L)

TRC

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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 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

RECEIVED-DFSC

AUG 31 PM 1:05

AUGUST 30, 1999

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (COLLINS) *CR* *AVE*

RE: DOCKET NOS. 990001-EI -FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION IN THE CAPACITY
COST RECOVERY CLAUSE AUDIT; AUDIT CONTROL NO. 98-0941-4-1

1695-CFO

Attached is an ORDER GRANTING CONFIDENTIAL CLASSIFICATION OF CERTAIN MATERIAL OBTAINED DURING THE CAPACITY COST RECOVERY CLAUSE AUDIT OF FLORIDA POWER AND LIGHT COMPANY (DOCUMENT NOS. 06352-98, 06353-98, and 06935-98) to be issued in the above referenced docket. (Number of pages in order - 7)

TRC/js
Attachment
cc: Division of Electric and Gas
I:0635298a.trc

MUST GO TODAY

10/10