

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by Florida Power Corporation for confidential classification of certain responses to Ten-Year Site Plan supplemental.

DOCKET NO. 991170-EI
ORDER NO. PSC-99-1795-CFO-EI
ISSUED: September 14, 1999

ORDER DENYING REQUEST
FOR CONFIDENTIAL CLASSIFICATION

After Florida Power Corporation (FPC or the utility) filed its Ten-Year Site Plan, Commission staff requested supplemental information from the utility concerning the filing. This supplemental information was filed with the Commission along with a Notice of Intent to Request Confidential Classification. FPC subsequently timely filed a request for confidential classification of some of the supplemental information requested by staff.

Pursuant to Section 119.01, Florida Statutes, documents submitted to this Commission are public records. The only exceptions to this law are specific statutory exemptions and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision.

Under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the utility has the burden of demonstrating that the materials qualify for confidential classification. Rule 25-22.006 requires the utility to meet this burden by demonstrating that the materials fall into one of the statutory examples set forth in Section 366.093, or by demonstrating that the information is proprietary confidential business information, the disclosure of which will cause the utility or its ratepayers harm.

FPC seeks confidential treatment for information concerning its generation data, purchased power costs, and operational characteristics. According to FPC, because of the increasingly competitive wholesale power market, this information is commercially sensitive and justifies protection from disclosure to the utility's competitors. FPC argues that the information is proprietary confidential business information exempt from Section 119.07(1) because it is "[i]nformation relating to competitive

DOCUMENT NUMBER-DATE

11048 SEP 14 99

FPC-RECORDS/REPORTING

interests, the disclosure of which would impair the competitive business of the provider of the information." Section 366.093(3)(e), Florida Statutes. FPC asserts that the information for which confidential treatment has been requested is intended to be and is treated as confidential by FPC and has not been disclosed to the public. Upon review, FPC's request is denied as discussed below.

FPC seeks confidential treatment for individual unit performance data on page 8 of all the rows in columns 3 through 6 of FPC's supplemental filing. According to FPC, disclosure of these outage and availability factors would allow competitors to determine average system capacity availability and predict FPC's ability to make sales or its need to make purchases, and disclosure of heat rate data would allow competitors to determine FPC's cost of generation using readily available fuel prices. This request is denied. This data is a ten-year forecasted average and is not specific enough to enable competitors to accurately predict FPC's need to make sales or purchases. Disclosure of this information should not impair FPC's competitive business.

FPC seeks confidential treatment for the forecasted energy prices of QF and non-QF firm purchases on page 18, rows 1999-2008 of columns 4 through 7 of FPC's supplemental filing. According to FPC, disclosure of this information would allow competitors to determine the cost of a major component of FPC's capacity resources and would allow potential energy suppliers to know the price the potential suppliers must undercut. This request is denied. FPC provides the actual firm energy prices of QF and non-QF purchases in its annual fuel adjustment filings. Since the utility's actual numbers are already made public, it should not impair FPC's competitive business to make public its projections.

FPC seeks confidential treatment for the capitalization ratios and discount rate found on page 19, rows Debt, Preferred, Equity, and Discount Rate of column 1 of FPC's supplemental filing. According to FPC, disclosure of this information would allow competitors and potential capacity suppliers to determine FPC's capital costs to construct new generation against which the potential competitors and suppliers must compete. Because this information is already made public in the Commission's surveillance reports and the Standard and Poor's Utility Credit Report, this request is denied.

FPC seeks confidential treatment of isolated and assisted loss of load probability (LOLP) results and the corresponding expected unserved energy (EUE) in columns 2, 4, 5, and 7 of rows 1999-2009 on page 21 of FPC's supplemental filing. According to FPC, disclosure of this information would allow competitors to assess FPC's reliability of service against which the competitors would then compete. This request is denied. A competitor's knowledge of a utility's reliability measurements which are simply planning forecasts should not impair FPC's competitive business.

FPC seeks confidential treatment of variations in the timing and type of future capacity additions and the effect of each addition on the cumulative present worth revenue requirements (CPWRR) and LOLP associated with FPC's high and low demand forecasts in columns 2-4 of rows 1999-2009 on page 39 of FPC's supplemental filing. According to FPC, disclosure of this information would allow competitors and potential power suppliers to determine the cost and reliability impact of these additions and their sensitivity to demand fluctuations and thus would enable competitors to adjust their prices accordingly. This request is denied. The generating units associated with these sensitivities represent minimal change from FPC's base case plan which is already made public. The CPWRR for these sensitivities does not reveal specific information on unit operation or costs. Moreover, LOLP is not included on this sheet. Disclosure of this information should not impair FPC's competitive business.

FPC seeks confidential treatment for variations in the timing and type of future capacity additions and the effect of each addition on the CPWRR and LOLP associated with FPC's base case in columns 2-4 of rows 1999-2009 on page 41 of FPC's supplemental filing. According to FPC, disclosure of this information would allow competitors and potential power suppliers to determine the cost and reliability impact of these additions and thus enable competitors and suppliers to adjust prices accordingly. This request is denied. FPC's base case expansion plan is already public information in its Ten-Year Site Plan. The CPWRR for the base-case expansion plan does not reveal specific information on unit operation or costs.

FPC seeks confidential treatment of variations in the timing and type of future capacity additions and the effect of each addition on the CPWRR associated with FPC's alternative technology expansion plans in columns 2-3 of rows 1999-2009 on pages 42-45 of FPC's supplemental filing. According to FPC, disclosure of this information would allow competitors and potential power suppliers

to determine the cost and reliability impact of these additions and thus enable competitors to adjust prices accordingly. This request is denied. Revealing the alternatives to FPC's base-case expansion plan does not reveal specific cost or reliability information. Likewise, the CPWRR for expansion plan alternatives does not reveal information that is specific enough to be considered sensitive such that it would impair FPC's competitive business.

FPC seeks confidential treatment of its SO₂ emissions in column 1 of rows 1999-2008 on page 47 of FPC's supplemental filing. According to FPC, disclosure would allow competitors and potential power suppliers to determine FPC's Clean Air Act compliance status, and allow participants in the SO₂ emissions credit market to determine FPC's position. This request is denied. FPC annually files the actual emissions with the Department of Environmental Protection. Since the utility's actual numbers are already made public, it should not impair FPC's competitive business to make public its projections.

FPC seeks confidential treatment of NO_x, particulates, VOCs, CO₂, and mercury emissions in columns 2-6 of rows 1999-2008 on page 47 of FPC's supplemental filing. According to FPC, disclosure of this information would allow competitors to determine FPC's status with respect to emerging environmental constraints and requirements. This request is denied. FPC's rationale is insufficient for showing how disclosure of this information would impair FPC's competitive business since there is no credit market for these emissions.

FPC seeks confidential treatment of its forecasted nominal and real average retail prices in columns 1 and 3 of rows 1999-2008 on page 60 of FPC's supplemental filing. According to FPC, disclosure of this information would allow competitors to determine FPC's expected future generation costs. This request is denied. This data is a 10-year forecast of average retail prices and is not specific in nature since retail prices have several components other than generation costs. These components include transmission and distribution costs as well as costs included in discovery clauses. Disclosure of the highlighted information should not impair FPC's competitive business since FPC's generation costs cannot be broken out by disclosure of this information.

FPC seeks confidential treatment of its non-tariffed natural gas transportation rates in columns 3-5 of rows 1999-2008 on page 73 of FPC's supplemental filing. According to FPC, disclosure of this information would allow competitors to know sensitive contractual information and enable competitors to determine FPC's

ORDER NO. **PSC-99-1795-CFO-EI**
DOCKET NO. 991170-EI
PAGE 5

fuel cost of gas-fired generation. This request is denied because this information is already made public at the Federal Energy Regulatory Commission.

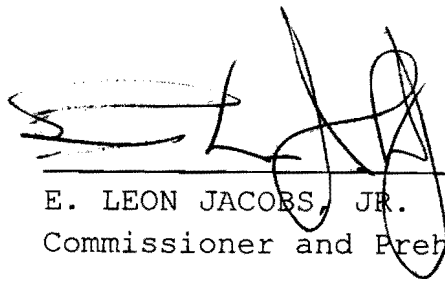
FPC seeks confidential treatment of its forecasted natural gas and distillate oil consumption by each of several generating units in columns 1999-2008 of all of the rows on page 83 of FPC's supplemental filing. According to FPC, disclosure of this information would allow competitors to determine FPC's expected unit specific costs and operational levels. This request is denied. FPC provides the actual natural gas and oil consumption for each of its units in its annual fuel adjustment filings. Since the utility's actual numbers are already made public, it should not impair FPC's competitive business to make public its projections.

It is therefore

ORDERED by Commissioner E. Leon Jacobs, as Prehearing Officer, that the Request for Confidential Classification of certain supplemental information concerning Florida Power Corporation's Ten-Year Site Plan in Document No. 08973-99, filed by Florida Power Corporation, is hereby denied pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093, Florida Statutes, for the reasons set forth in the body of this order. It is further

ORDERED that this docket shall be closed upon issuance of this order.

By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, this 14th day of September, 1999.



E. LEON JACOBS, JR.
Commissioner and Prehearing Officer

(S E A L)
MAH

ORDER NO. PSC-99-1795-CFO-EI
DOCKET NO. 991170-EI
PAGE 6

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.