

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidential classification in connection with review of the FGT Contract by Florida Power & Light Company.

DOCKET NO. 991266-EI
ORDER NO. PSC-00-0113-CFO-EI
ISSUED: January 12, 2000

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION

Commission staff (staff) reviewed information concerning Florida Power & Light Company's (FPL or the utility's) selection of Florida Gas Transmission as a natural gas transporter for FPL's Fort Myers plant. At the conclusion of its review, staff prepared a report entitled Review of Florida Power & Light Company's Contractor Selection Process for Transportation of Natural Gas (the report). FPL now seeks confidential classification for some of the information published by staff in the report by way of its Request for Confidential Classification and First Amended Request for Confidential Classification.

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.

FPL seeks confidential treatment for the following types of information: evaluation criteria used by FPL in selecting natural gas transportation services for Fort Myers and information specific to the bids FPL received. According to FPL, disclosure of this information would impair the ability of FPL to contract for goods and services on favorable terms, and disclosure of the bid information would impair the competitive business of the provider

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of the information. FPL argues that the information for which it seeks confidential treatment falls under one of the categories listed below in Section 366.093(3), Florida Statutes:

(d) Information 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.

(e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

FPL asserts that the information for which confidential treatment has been requested is intended to be and is treated as confidential by FPL and has not been disclosed to the public.

Upon review, the information described in the table below that is found in the report is hereby found to be proprietary confidential business information pursuant to Section 366.093, Florida Statutes, for the reasons argued by FPL. The proprietary confidential business information described below shall be kept confidential and shall be exempt from Section 119.07(1), Florida Statutes, for a period of 18 months.

A DESCRIPTION	B FINAL REPORT PAGE N ^o	C THE LINES FOR WHICH FPL SEEKS CONFIDENTIAL TREATMENT	D DISPOSITION
2.3 FPL's Goals and Objectives for this Transportation Contract	10	Lines 24,25,26,27, 28,29,30,31,32,33	Grant
3.2.1 Volume Required- ANR and 3.2.2 Pricing Structure	20	Lines 24,25,26,27,28, 38-Cols B,C, 39 cols B, C	Grant
3.2.2 Pricing Structure ANR(Price)	21	Lines 23,24,27, 28,29,30,32,33,34	Grant

A DESCRIPTION	B FINAL REPORT PAGE N ^o	C THE LINES FOR WHICH FPL SEEKS CONFIDENTIAL TREATMENT	D DISPOSITION
3.3 Qualitative Analysis	22	Lines 8,9,10,14.5, 15 Cols A, B, C 15.5 Cols B 16 Col B, C 17 Cols B, C 18 Cols A 19 Cols A 21 Cols A, B, C	Grant
3.3 Qualitative Analysis and 3.3.1 Florida Gas Transmission Performance and Reliability Factors and 3.3.2 American Natural Resources Performance and Reliability Factors	23	Lines 4,5,6,11,15,16,	Grant
3.3.2 American Natural Resources Performance and Reliability Factors	24	Lines 1,2,3,4,5,6,7,8,9,12,16, 17,18,19,20,22,23,27,28,29, 30	Grant
3.4 FPL's Summary of Stated Objectives	25	Lines 4,5,6,7,8,9,10,11,12,13, 17,18,19,20,21,22,23,24,25,26 ,27,28,29,30,31,32,33,34,35	Grant
3.4 (Con't) FPL's Summary of Stated Objectives	26	All of Page 26	Grant
3.4 (Con't) FPL's Summary of Stated Objectives	27	All of Page 27	Grant
3.4 (Con't) FPL's Summary of Stated Objectives	28	Lines 1,2,3,4,5,6.	Grant

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FPL requested that the proprietary confidential business information listed above be returned at the expiration of the 18-month confidential period. This request is denied. The Commission cannot return a report to FPL that was prepared by Commission staff. The report must be kept in accordance with the record retention schedule prescribed by Florida law. Should FPL desire continued confidential treatment of the report, it must request an extension before the expiration of the 18 month period granted herein.

It is therefore

ORDERED by Commissioner E. Leon Jacobs, Jr., as Prehearing Officer, that the Request for Confidential Classification of certain information contained in Commission staff's Review of Florida Power & Light Company's Contractor Selection Process for Transportation of Natural Gas identified in Document No. 15418-99 (x-ref Document Nos. 10413-99 and 10625-99), filed by Florida Power & Light Company is hereby granted 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 pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, any confidential classification granted to the documents specified herein shall expire 18 months from the date of issuance of this order in the absence of a renewed request for confidentiality pursuant to Section 366.093. It is further

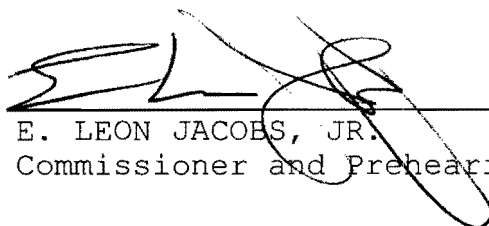
ORDERED that this order shall be the only notification by the Commission to Florida Power & Light Company concerning the expiration of the confidentiality time period. It is further

ORDERED that Florida Power & Light Company's request for the document to be returned is denied. It is further

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

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By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, this 12th day of January, 2000.



E. LEON JACOBS, JR.
Commissioner and Prehearing Officer

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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

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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.