

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Approval of
True-Up Amount.

DOCKET NO. 000002-EG
ORDER NO. PSC-00-2080-CFO-EG
ISSUED: November 1, 2000

ORDER GRANTING CONFIDENTIAL CLASSIFICATION TO PORTIONS TO FLORIDA
POWER & LIGHT COMPANY'S (FPL) APPENDIX A TO EXHIBIT BS-1
(DOCUMENT NO. 05989-00)

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power and Light Company (FPL or Company) has requested specified confidential treatment for certain information contained in portions of Appendix A to Exhibit BS-1. This request for confidential classification was filed on May 16, 2000. The confidential information is located in Document No. 05989-00.

FPL asserts that its true-up filing which is required pursuant to Rule 25-17.015(5), Florida Administrative Code, provides very detailed information which supports claimed energy savings in its conservation advertisements and, therefore, portions of Appendix A to Exhibit BS-1 is entitled to confidential classification.

INFORMATION FOR WHICH CONFIDENTIAL CLASSIFICATION IS SOUGHT

FPL requests that the information contained in the following table be granted confidential classification:

APPENDIX A TO EXHIBIT BS-1

DESCRIPTION	PAGE NO(S)	LINE NO(S)/COLUMN NO(S)
Salon 2000	1B	1-9
Salon 2000	1C	1-6/A & B
El Dorado Furniture	2C	1-23
Augustan Wine	3C	1
Augustan Wine	3D	1-7
El Dorado Venta	4B	1-23
El Dorado (Spanish) Radio	5B	1-23

DOCUMENT NUMBER-DATE

14123 NOV-18

FPSC-RECORDS/REPORTING

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Rule 25-17.015(5), Florida Administrative Code, requires that when a conservation advertisement for which a utility seeks cost recovery "makes a specific claim of potential energy savings or states appliance efficiency ratings or savings, all data sources and calculations used to substantiate these claims must be included in the true-up filing..."

FPL asserts that the information contained in Appendix A which FPL filed as part of its True-Up filings is customer specific information. The Company states that it has a corporate policy not to disclose or release corporate specific information without the consent of the customer. According to FPL, none of its customers referred to in this information have consented to the release of their customer specific information.

Additionally, FPL contends, much of the information for which it seeks confidential classification is information which is confidential and proprietary to customers, the release of which would harm the customers' business operation, and has not been disclosed other than to the contractors which have performed work for the customers at the customers' direction. FPL states that this information may, in some instances, constitute trade secrets to the customers and is certainly information relating to the customers' competitive interests, the disclosure of which would impair the competitive business of the customers. FPL asserts that information of this nature is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. Accordingly, FPL requests confidential classification of portions of Appendix A to Exhibit BS-1.

REQUESTED DATE OF DECLASSIFICATION

Section 366.093(4), Florida Statutes, provides that "any finding by the Commission that records contain proprietary confidential business information is effective for a period not to exceed 18 months, unless good cause is shown for a specified longer period." The Company requests that the information be classified as confidential for a period of 36 months from the original date of confidential classification. FPL asserts that after the initial 18 months, the information will continue to be treated by the Company, as a matter of policy, as confidential and the information regarding customers' electrical usage and electrical equipment will

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continue to be competitive information, the disclosure of which may injure the customers' competitive interests.

At present, FPL contends that they do not intend to offer Appendix A to Exhibit BS-1 into evidence and that it has filed the Appendix only to satisfy the requirements of Rule 25-17.015(4), Florida Administrative Code. If Appendix A is not admitted into evidence in this proceeding, FPL requests that Appendix A be returned to FPL. However, if these advertisements become subject to dispute and the confidential information in Appendix A is introduced into the record in this proceeding, FPL suggests that it has demonstrated good cause for the confidential information to continue to be classified as confidential for 36 months from the original date of classification.

CONCLUSION

Upon review, the information described above appears to be proprietary, confidential business information within the meaning of Section 366.093(3), Florida Statutes. Therefore, FPL's request for confidential classification of portions of Appendix A to Exhibit BS-1 is granted.

Further, FPL has shown good cause why this information should be held confidential for a period longer than 18 months. Therefore, this information shall be granted confidential classification for a period of 36 months from the date of issuance of this Order.

It is therefore

ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that the request by Florida Power & Light Company that portions of Appendix A to Exhibit BS-1 be granted confidential classification, is approved. It is further

ORDERED that the information described within the body of this Order and contained in Documents No. 05989-00 shall be granted confidential classification for a period of 36 months from the date of the issuance of this Order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

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By ORDER of Commissioner Lila A. Jaber, as Prehearing Officer,
this 1st day of November, 2000



LILA A. JABER
Commissioner and Prehearing Officer

(S E A L)

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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.

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,

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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.