

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Florida Power Corporation's earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light.

DOCKET NO. 000824-EI
ORDER NO. PSC-00-2502-CFO-EI
ISSUED: December 27, 2000

ORDER GRANTING FPC'S REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
FPC'S RESPONSE TO STAFF'S REQUEST FOR INFORMATION
(DOCUMENT NO. 11990-00)

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power Corporation (FPC or Company) has requested specified confidential treatment for certain information in FPC's Response to Staff's Request for Information. The confidential information is filed with the Commission as Document No. 11990-00.

FPC asserts that the document contains a summary of approximately 200 discrete integration initiatives to be undertaken upon completion of the pending acquisition of FPC (and its parent, Florida Progress Corporation) by Carolina Power & Light Energy, Inc. (CPL). The Company also asserts that these integration initiatives are intended to capture and maximize the benefits made available from consolidated operations of the two organizations. Additionally, FPC states that the document identifies and describes each individual initiative and provides an estimate of the annual savings and "costs to achieve" for each initiative over the first three years of consolidated operations (2001 through 2003). FPC maintains that this information is proprietary, sensitive business information that is kept confidential and not made public by the Company, and as such, is entitled to protection from disclosure under Sections 366.093(1), and (3)(d), Florida Statutes.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

INFORMATION FOR WHICH CONFIDENTIAL CLASSIFICATION IS SOUGHT

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

FPC'S RESPONSES TO STAFF'S REQUEST FOR INFORMATION

PAGE(S)	ROW(S)	COLUMN(S)	INFORMATION
8	ALL	3-6	Individual unit performance data
18	1999-2008	4-7	Energy prices of QF and non-QF firm purchases
19	Debt, Preferred, Equity, Discount Rate	1	Capitalization ratios and discount rate
21	1999-2008	2, 4, 5, 7	Isolated and assisted LOLP results and the corresponding unserved energy
39	1999 2000-2009	2, 4 2-4	Variations in timing and type of future capacity additions and the effect of each addition on the CPWRR and LOLP associated with FPC's high and low demand forecasts
41	1999-2009	2-4	Variations in timing and type of future capacity additions and the effect of each addition on the CPWRR and LOLP associated with FPC's base case
42-45	1999-2009	2-3	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

PAGE NO.	ROW(S)	COLUMN(S)	INFORMATION
47	1999-2008	1	SO2 emissions
47	1999-2008	2-6	SO2 emissions
60	1999-2008	1, 3	FPC's forecasted nominal and real average retail prices
73	1999-2008	3-5	Non-tariff natural gas transportation rates
83	ALL	1999-2008	Forecasted natural gas and distillate oil consumption by each unit

Section 366.093(1), Florida Statutes, provides that "any records received by the Commission which are shown and found by the Commission to be proprietary confidential business information shall be kept confidential and shall be exempt from the Public Records Act." Proprietary confidential business information means information that is (i) intended to be and is treated as private, confidential information by the Company, (ii) because disclosure of the information would cause harm, (iii) either to the Company's ratepayers or the Company's business operations, and (iv) the information has not been voluntarily disclosed to the public. Section 366.093(3), Florida Statutes.

FPC states that the document provided in response to Staff's Request for Information fits the statutory definition of proprietary confidential business information. The Company maintains that the designated information is of a highly sensitive nature that justifies its protection from disclosure under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

According to FPC, at no time has the Company publicly disclosed the proprietary, information contained in response to Staff's Request for Information. The Company maintains that it has treated and continues to treat this information as confidential.

Therefore, FPC requests that the information in response to Staff's Request for Information be granted confidential classification.

CONCLUSION

Upon review, the information described above appears to be "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." Section 366.093(3)(d), Florida Statutes. Therefore, FPC's request for confidential classification in FPC's Response to Staff's Request for Information, is granted.

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 did not specify a time period in its request. Therefore, this information shall be granted confidential classification for a period of 18 months from the date of issuance of this Order.

It is therefore


ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that the request by Florida Power Corporation, that certain information in FPC's Response to Staff's Request for Information (Document No. 11990-00) be granted confidential classification, is approved. It is further

ORDERED that the information described within the body of this Order and contained in Document No. 11990-00 shall be granted confidential classification for a period of 18 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 Braulio L. Baez, as Prehearing Officer, this 27th day of December, 2000.



BRAULIO L. BAEZ
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

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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.