

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for
Determination of Need of Hines
Unit 2 Power Plant.

DOCKET NO. 001064-EI
ORDER NO. PSC-00-2522-CFO-EI
ISSUED: December 28, 2000

ORDER GRANTING FLORIDA POWER CORPORATION'S FOURTH REQUEST FOR
CONFIDENTIAL CLASSIFICATION (DOCUMENT NO. 14201-00)

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power Corporation (FPC or Company) has requested confidential classification of certain information contained in FPC's Late-Filed Exhibit 16, bearing the title "Accounting of Reservation Fee to Siemens Westinghouse for Hines Unit 2". The confidential information is filed with the Commission as Document No. 14201-00.

FPC states that it has treated the information as confidential, has restricted access to the information within the Company to those who needed the information to perform their responsibilities for the Company, and has not made the information public. FPC maintains that disclosure of such information would impair FPC's efforts to contract for services on favorable terms and as such, is entitled to protection from disclosure under Section 366.093(3)(d), Florida Statutes. Confidential classification was previously granted to FPC's contractual information by Order No. PSC-00-1987-CFO-EI, issued October 26, 2000, in this docket.

INFORMATION FOR WHICH CONFIDENTIAL CLASSIFICATION IS SOUGHT

FPC requests that lines 1-3 of page 1 of FPC's Late-Filed Exhibit 16 be granted confidential classification. FPC asserts that Late-Filed Exhibit 16 contains confidential, proprietary contract data between FPC and its equipment supplier for the Hines 2 power plant. FPC maintains that those contract terms fit the statutory definition of proprietary, confidential business information and therefore, asserts that FPC's Late-Filed Exhibit 16, is entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

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 information.

DOCUMENT PRIVATE DATE

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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 asserts that public disclosure of this confidential, proprietary information could undermine the ability of the Company to negotiate contract terms that will offer lower cost resources or provide more economic value to FPC and its ratepayers. FPC also asserts that, without the assurance of confidentiality for the negotiations and the terms of contracts with suppliers, the utility's efforts to contract for goods or services on favorable terms will be impaired.

Therefore, FPC requests that its Late-Filed Exhibit 16 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 Fourth Request for Confidential Classification (Document No. 14201-00), 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 Lila A. Jaber, as Prehearing Officer, that Florida Power Corporation's Fourth Request for Confidential Classification (Document No. 14201-00), is granted. It is further

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ORDERED that the information described within the body of this Order and contained in Document No. 14201-00 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.

By ORDER of Commissioner Lila A. Jaber, as Prehearing Officer, this 28th day of December, 2000.



LILA A. JABER
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.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: 1)

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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.