

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-02-0349-CFO-EI
ISSUED: March 14, 2002

ORDER GRANTING CONFIDENTIAL CLASSIFICATION OF
CERTAIN PORTIONS OF THE TESTIMONY OF
SHEREE L. BROWN (DOCUMENT NO. 01541-02)

On January 18, 2002, Publix Super Markets, Inc. (Publix), prefiled the direct testimony of Sheree L. Brown. On that same date, Publix filed a Notice of Intent to Seek Confidential Classification of certain portions of Ms. Brown's testimony, requesting that the information be afforded confidential treatment pending the filing of a Request for Confidential Classification to be filed by Florida Power Corporation (FPC or utility).

On February 8, 2002, FPC filed its Request for Confidential Classification of Certain Portions of the Testimony of Sheree L. Brown. Some of the information referenced by Ms. Brown in her testimony was obtained from confidential documents provided to Publix pursuant to a confidentiality agreement. FPC reviewed Ms. Brown's testimony and narrowed the information to be requested as confidential. The information for which FPC seeks confidential classification was filed with the Commission as Document No. 01541-02.

In its Request, FPC states that the information for which confidential classification is sought has not been made public and is sensitive internal financial information regarding projected future earnings, the disclosure of which could encourage market speculation and directly affect the utility's credit rating and cost of capital. FPC also states that financial projections are necessarily based on a host of assumptions that change over time. Thus, the information may not be consistent with other information released to the public and the utility must avoid any misunderstandings of management perspectives on financial projections that could disturb the public market and create

DOCUMENT NUMBER-DATE

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volatility of company stock. Moreover, FPC states that disclosure of this confidential information raises questions concerning compliance with the SEC fair disclosure requirements imposed by Regulation FD. See 17 CFR section 243.100.

Specifically, FPC requests that confidential classification be provided for the following page and line numbers of Ms. Brown's testimony: page 9, lines 193-194; page 10, lines 201-206; page 11, lines 226-229; page 13, lines 293-294; page 14, lines 313-314; and page 32, lines 700-702.

Upon review, it appears that this information is protected by Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. Section 366.093(3), Florida Statutes, defines proprietary confidential business information to include information that, if disclosed, "would cause harm to the ratepayers or the . . . company's business operations." Section 366.093(3)(e), Florida Statutes, specifically protects against disclosure of "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." Accordingly, the information is granted confidential classification.

Section 366.093(4), Florida Statutes, provides that any finding by the Commission that records contain proprietary confidential business information shall be effective for a period not to exceed 18 months, unless the Commission finds good cause to specify a longer period. FPC did not request an extension to this period of classification. As such, the information contained in Document No. 01541-02 shall be granted confidential classification for a period of 18 months from the date of issuance of this Order.

Based on the foregoing, it is

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that Florida Power Corporation's Request for Confidential Classification of Certain Portions of the Testimony of Sheree L. Brown is granted. It is further

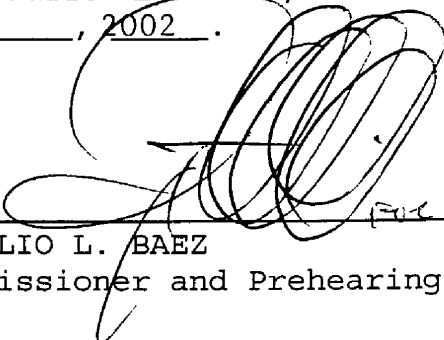
ORDERED that the information described within the body of this Order and contained in Document No. 01541-02 is granted

ORDER NO. PSC-02-0349-CFO-EI
DOCKET NO. 000824-EI
PAGE 3

confidential classification for a period of 18 months from the issuance date of this Order. It is further

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

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 14th day of March, 2002.



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.

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.

ORDER NO. PSC-02-0349-CFO-EI

DOCKET NO. 000824-EI

PAGE 4

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 the Commission Clerk and Administrative Services, 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.