

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-02-0355-CFO-EI  
ISSUED: March 15, 2002

ORDER GRANTING FLORIDA POWER CORPORATION'S SIXTH REQUEST FOR CONFIDENTIAL CLASSIFICATION CONCERNING PORTIONS OF THE PREFILED REBUTTAL TESTIMONY AND/OR EXHIBITS OF CHARLES J. CICCETTI, MARK A. MYERS, AND ROBERT A. SIPES (DOCUMENTS NOS. 02510-02, 02512-02, AND 02515-02)

On February 11, 2002, Florida Power Corporation (FPC or utility) prefiled the rebuttal testimony and exhibits of Charles J. Cicchetti, Mark A. Myers, and Robert A. Sipes. That same day, FPC filed a Notice of Intent to Seek Confidential Classification of certain portions of this testimony and/or exhibits.

According to the utility, the information for which confidential classification is sought has not been made public and generally falls into one of the following categories:

1) sensitive internal financial information regarding the Company's regulated and unregulated businesses, premature disclosure of which could compromise competitive interests, encourage market speculation, and directly affect the Company's credit rating and cost of capital; and

2) proprietary industry analyses that were obtained from other businesses pursuant to an understanding that FPC shall maintain the confidentiality of the information.

Specifically, FPC asserts that the information for which it seeks confidential classification be provided for the following information.

Charles J. Cicchetti

Rebuttal testimony at page 17, line 12; page 18, line 7; page 45, line 23, and page 46, lines 1, 3, and 14.

DOCUMENT NUMBER-DATE

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Mark A. Myers

Rebuttal testimony at page 8, lines 10-20 and 23; and page 9 at lines 1 and 3-15.

Robert A. Sipes

Rebuttal testimony at page 5, lines 7-15; page 5, lines 20-23; and page 6, lines 1-13 and 16-19.

Exhibit No. RAS2, Figures 1-6, all lines; Exhibit No. RAS3, all lines; Exhibit No. RAS4, Figures 1-6, all lines; and Exhibit No. RAS5, Figures 1-6, all lines.

Upon review, it appears that the confidentiality of this information is protected under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. Section 366.093(3), Florida Statutes, generally 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, FPC's Sixth Request for Confidential Classification shall be granted.

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 Documents Nos. 02510-02, 02512-02, and 02515-02 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 Sixth Request for Confidential Classification, to include portions of the prefiled

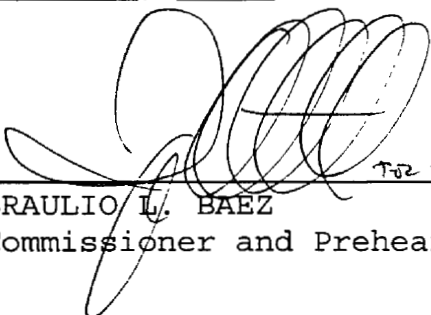
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rebuttal testimony and/or exhibits of Charles J. Cicchetti, Mark A. Myers, and Robert A. Sipes, is granted. It is further

ORDERED that the information described within the body of this Order and contained in Documents Nos. 02510-02, 02512-02, and 02515-02 is granted 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 15th day of March, 2002.

  
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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.

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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 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.