

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-02-0356-CFO-EI
ISSUED: March 15, 2002

ORDER GRANTING FLORIDA POWER CORPORATION'S
FOURTH REQUEST FOR CONFIDENTIAL CLASSIFICATION
CONCERNING PORTIONS OF THE PREFILED TESTIMONY AND/OR
EXHIBITS OF DAVID E. DISMUKES, KIMBERLY H. DISMUKES,
AND R. EARL POUCHER (DOCUMENT NO. 02100-02)

On January 22, 2002, the Citizens of the State of Florida (Citizens) prefiled the testimony and exhibits of Donna DeRonne, David E. Dismukes, Kimberly H. Dismukes, and R. Earl Poucher. On January 31, 2002, Florida Power Corporation (FPC or utility) filed a Notice of Intent to Seek Confidential Classification of certain portions of these testimonies and exhibits. On February 21, 2002, FPC filed its Fourth Request for Confidential Classification of certain portions of the prefiled testimony and/or exhibits of David E. Dismukes, Kimberly H. Dismukes, and R. Earl Poucher. Some of the information referenced by these witnesses was obtained from confidential documents provided to the Citizens pursuant to a confidentiality agreement. The utility has determined that the testimony of Donna DeRonne does not contain any confidential information.

According to FPC, the information for which confidential classification is sought has not been made public and 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;

2) detailed customer information, including names and account numbers, regarding customer contacts with the Company, the disclosure of which would harm the privacy interests of individual

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customers and may deter customers from contacting the Company in the future if such information is subject to public disclosure; and

3) proprietary economic information that was purchased from a research firm pursuant to a contract that requires FPC to maintain the confidentiality of the information.

Specifically, FPC requests that confidential classification be provided for the following portions of testimony and/or exhibits.

David E. Dismukes

All of Exhibits Nos. DED-4 and DED-5.

Kimberly H. Dismukes

Testimony at: page 21, line 24; page 22, line 1; page 46, lines 4, 6, 8, and 23.

Schedule 2, CP&L Non-regulated and Total columns, all rows except \$175 million Total Synergies; Schedule 9, all of pages 1-6; Schedule 10, all columns, all rows except FPC Energy Supply, FPC Energy Delivery, and FPC Regulated; and Schedule 11, all of pages 1-4.

R. Earl Poucher

Testimony at page 17, line 25.

Exhibit REP-2, pages 1-22, all columns containing customer names and account numbers; Exhibit REP-3, pages 1-80, all columns containing customer names and account numbers; and Exhibit REP-6, page 1, all rows of 2003 column only.

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

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"[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." Accordingly, FPC's Fourth 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 Document No. 02100-02 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 Fourth Request for Confidential Classification, to include portions of the prefiled testimony and/or exhibits of David E. Dismukes, Kimberly H. Dismukes, and R. Earl Poucher, is granted. It is further

ORDERED that the information described within the body of this Order and contained in Document No. 02100-02 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.



BRAULIO L. BAEZ
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.

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.