

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-02-0361-CFO-EI  
ISSUED: March 18, 2002

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION OF PORTIONS OF DOCUMENT 01548-02 [X-REF 00690-02]

On January 18, 2002, Florida Industrial Power Users Group (FIPUG) filed a Request for Confidential Classification of certain information contained in specified portions of the Intervenor Testimony of FIPUG witness Thomas J. Regan. The confidential information is contained in Document No. 01548-02 [x-ref 00690-02].

FIPUG asserts that this information is entitled to confidential classification pursuant to Section 366.093(3), Florida Statutes, as confidential business information, the public disclosure of which would cause harm to a company's business operations. The pages and lines for which FIPUG seeks confidential classification are contained in the table below.

Page	Line(s)
2	14
2	15
3	7
3	8
3	11
3	17
7	9 through 11

FIPUG witness Regan is President of the PCS Phosphate division of PCS Corporation, which operates a manufacturing facility in FPC's service territory. The purpose of his testimony is to describe the company's operations, and to describe the effect on

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those operations of FPC's proposed closure of the IS-1 Interruptible rate schedule.

The information for which FIPUG requests confidential classification includes data regarding the number of employees at the PCS Phosphate facility, the annual power bill of the facility, and the nature of its electrical load.

#### Legal Standard

Section 366.093, Florida Statutes, provides:

The term "proprietary confidential business information" means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public.

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."

#### Analysis

Upon review of the information, I find that it meets the requirements for confidential classification as contained in Section 366.093(3), Florida Statutes. Disclosure of the information to competitors could result in damage to PCS's business operations. The information shall retain confidential status for a period of 18 months, in accordance with Section 366.093(4), Florida Statutes. FIPUG has not requested confidential treatment for a longer period.

Based on the foregoing, it is

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ORDERED by Commissioner Braulio L. Baez that the Request for Confidential Classification filed by Florida Industrial Power Users Group is granted. It is further

ORDERED that the documents granted confidentiality shall be deemed confidential for 18 months from the date this Order is issued. It is further

ORDERED that this Order shall be the only notification by the Commission to the Florida Industrial Power Users Group of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 18th 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.

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.