

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to determine need for an electrical power plant in Martin County by Florida Power & Light Company.

DOCKET NO. 020262-EI

In re: Petition to determine need for an electrical power plant in Manatee County by Florida Power & Light Company.

DOCKET NO. 020263-EI
ORDER NO. PSC-02-0792-CFO-EI
ISSUED: June 11, 2002

ORDER GRANTING CONFIDENTIAL CLASSIFICATION FOR FLORIDA POWER & LIGHT COMPANY'S RESPONSES TO STAFF'S INTERROGATORY NOS. 40 AND 41 AND PORTIONS OF RESPONSE TO STAFF'S INTERROGATORY NO. 23

On May 22, 2002, Florida Power & Light Company (FPL), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, filed a Request for Confidential Classification for certain information contained in the attachment to FPL's response to Staff's Interrogatory No. 23, and to FPL's Response to Staff's Interrogatory Nos. 40 and 41. The information was filed with the Commission as Document No. 05483-02.

In support of its request for confidential classification of the Interrogatory Responses, FPL asserts that the information contained therein is entitled to confidential classification pursuant to Section 366.093(3)(d) and (e), Florida Statutes. FPL asserts that the public disclosure of this information would cause irreparable harm to the competitive interests of FPL as well as the companies who submitted sensitive competitive data to FPL as part of a Request for Proposals (RFP) process, as the revelation of specific competitive data would impair FPL's and the companies' ability to enter into contracts on favorable terms in the future. FPL states that this information contains charts with proprietary business information of FPL and the companies who submitted proposals, and contractual information regarding vendors which FPL has a duty to keep confidential.

FPL maintains that the document also contains competitively sensitive information regarding FPL's business operations, which is not otherwise publically available, and its disclosure would impair

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the competitive business of FPL. FPL asserts that this information is intended to be and has been treated by FPL as private and confidential and has not been publicly disclosed.

FPL has supplied a page by page and line by line listing of the specific information which it asserts is confidential, as follows:

Document Title	Page Number	Line Number	Justification
Attachment to FPL's Response to Interrogatory No. 23	013 NDI	Lines 1-13	§366.093(3)(d) & (e)
Attachment to FPL's Response to Interrogatory No. 23	021 NDI	Lines 1-13	§366.093(3)(d) & (e)
Attachment to FPL's Response to Interrogatory No. 23	031 NDI	Lines 1-8	§366.093(3)(d) & (e)
Attachment to FPL's Response to Interrogatory No. 23	042 NDI	lines 1-10	§366.093(3)(d) & (e)
Attachment to FPL's Response to Interrogatory No. 23	045 NDI	lines 1-13	§366.093(3)(d) & (e)
Attachment to FPL's Response to Interrogatory No. 23	046 NDI	lines 1-16	§366.093(3)(d) & (e)
Attachment to FPL's Response to Interrogatory No. 23	054 NDI	lines 1-8	§366.093(3)(d) & (e)
FPL's Response to Interrogatory No. 40	060 NDI	Paragraphs 1-4	§366.093(3)(d) & (e)
FPL's Response to Interrogatory No. 40	061 NDI	Paragraphs 4-7	§366.093(3)(d) & (e)

FPL's Response to Interrogatory No. 41	062 NDI	Paragraph A	§366.093(3)(d) & (e)
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Interrogatory No. 23 contains charts and other information submitted to FPL by bid respondents, which contains sensitive, proprietary business information, including contracts and operations of the respondents.

Interrogatory Nos. 40 and 41 contain information regarding confidential contract information with FPL's actual and potential suppliers of Natural Gas, including facilities and transportation costs.

I have reviewed the listing supplied by FPL, and have determined that it adequately and sufficiently identifies the specific information for which FPL requests confidentiality, in compliance with Rule 25-22.006, Florida Administrative Code.

Upon review, it appears that the information contained in the Responses to Staff's Interrogatory Nos. 40 and 41, and in the Attachment to the Response to Staff's Interrogatory No. 23 contains proprietary, confidential information which, if disclosed, would cause irreparable harm to the business interests of FPL and the respondents to the RFP. Accordingly, FPL's request for confidential classification for the information identified in the table above, and contained in Document No. 050483-02, is hereby 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. FPL has not requested a period greater than 18 months. As such, the information identified in Document No. 05483-02, as described above, shall be granted confidential classification for a period of 18 months from the date of issuance of this Order, with leave to request continued confidential classification.

Based on the foregoing, it is

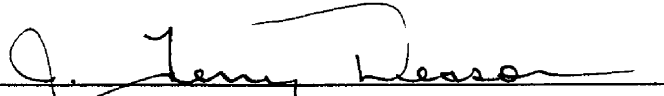
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ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification is granted as set forth in the body of this Order. It is further

ORDERED that the information described within the body of this Order and contained in Document No. 05483-02 is granted confidential classification for a period of eighteen (18) months from the date of this Order, in the absence of a renewed request for confidentiality pursuant to Section 366.093(4), Florida Statutes. 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 J. Terry Deason as Prehearing Officer, this 11th day of June, 2002.



J. TERRY DEASON
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.

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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.