

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-02-1331-CFO-EI
ISSUED: October 2, 2002

ORDER GRANTING CONFIDENTIAL CLASSIFICATION FOR PORTIONS OF
FLORIDA POWER & LIGHT COMPANY'S RESPONSES TO
CPV GULF COAST'S INTERROGATORIES NOS. 106 AND 107

On September 18, 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 FPL's response to CPV Gulfcoast's Interrogatories Nos. 106 and 107. The information was filed with the Commission as Document No. 10036-02.

In support of its request for confidential classification of portions of the Interrogatory Responses, FPL asserts that the information contained therein is entitled to confidential classification pursuant to Sections 366.093(3)(d) & (e), Florida Statutes. FPL asserts that the public disclosure of this information would cause irreparable harm to the competitive interests of FPL, as the revelation of specific contract terms between FPL and various vendors would impair FPL's ability to enter into contracts on favorable terms in the future. FPL states that this document contains contractual information regarding vendors which FPL has a duty to keep confidential. 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 justification of the specific information which it asserts is confidential, as follows:

DOCUMENT NUMBER DATE

10615 OCT-28

FPSC-COMMISSION CLERK

003848

Florida Power & Light Company Field-By-Field Confidentiality Justification CPV Gulfcoast's Third Set of Interrogatories, No. 106			
DOCUMENT TITLE	PAGE NUMBER	LINE DESCRIPTION	JUSTIFICATION
Fort Myers Repowering - Major Commitments Listing	Page 1 of 7	Dollar amount of contract change orders	Fla. Stat. §366.093 (3) (d) & (e)
SAME	Page 2 of 7	SAME	Fla. Stat. §366.093 (3) (d) & (e)
SAME	Page 3 of 7	SAME	Fla. Stat. §366.093 (3) (d) & (e)
SAME	Page 4 of 7	SAME	Fla. Stat. §366.093 (3) (d) & (e)
SAME	Page 5 of 7	SAME	Fla. Stat. §366.093 (3) (d) & (e)
SAME	Page 6 of 7	SAME	Fla. Stat. §366.093 (3) (d) & (e)
SAME	Page 7 of 7	SAME	Fla. Stat. §366.093 (3) (d) & (e)

Florida Power & Light Company Field-By-Field Confidentiality Justification CPV Gulfcoast's Third Set of Interrogatories, No. 107			
DOCUMENT TITLE	PAGE NUMBER	LINE DESCRIPTION	JUSTIFICATION
Sanford Repowering - Major Commitments Listing	Page 1 of 10	Dollar amount of contract change orders	Fla. Stat. §366.093 (3) (d) & (e)

Florida Power & Light Company Field-By-Field Confidentiality Justification CPV Gulfcoast's Third Set of Interrogatories, No. 107			
DOCUMENT TITLE	PAGE NUMBER	LINE DESCRIPTION	JUSTIFICATION
SAME	Page 2 of 10	SAME	Fla. Stat. §366.093 (3) (d) & (e)
SAME	Page 3 of 10	SAME	Fla. Stat. §366.093 (3) (d) & (e)
SAME	Page 4 of 10	SAME	Fla. Stat. §366.093 (3) (d) & (e)
SAME	Page 5 of 10	SAME	Fla. Stat. §366.093 (3) (d) & (e)
SAME	Page 6 of 10	SAME	Fla. Stat. §366.093 (3) (d) & (e)
SAME	Page 7 of 10	SAME	Fla. Stat. §366.093 (3) (d) & (e)
SAME	Page 8 of 10	SAME	Fla. Stat. §366.093 (3) (d) & (e)
SAME	Page 9 of 10	SAME	Fla. Stat. §366.093 (3) (d) & (e)
SAME	Page 10 of 10	SAME	Fla. Stat. §366.093 (3) (d) & (e)

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 CPV Gulfcoast's Interrogatories Nos. 106 and 107 contains proprietary, confidential information which, if disclosed, would cause irreparable harm to the business interests of FPL. Accordingly, FPL's request for confidential classification for the

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information identified in the table above, and contained in Document No. 10036-02, 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 requested a period of 100 months, stating that the information in the contracts will be confidential through the year 2010. Given the long term nature of this information and the fact that FPL will have the opportunity to renew its requests for confidential classification, I find it premature to grant confidential classification in excess of 18 months at this time. As such, the information identified in Document No. 10036-02, 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


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. 10036-02 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.

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By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 2nd day of October, 2002.



J. TERRY DEASON
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,

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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.