

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for
determination of need for
Collier-Orange River 230 kV
transmission line in Collier,
Hendry, and Lee Counties, by
Florida Power & Light Company.

DOCKET NO. 030084-EI
ORDER NO. PSC-03-0685-CFO-EI
ISSUED: June 6, 2003

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S
SECOND REQUEST FOR CONFIDENTIAL CLASSIFICATION

On May 13, 2003, Florida Power & Light Company (FPL), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(4), Florida Administrative Code, filed a Second Request for Confidential Classification. The request seeks confidential treatment for information contained in portions of the depositions of C. Martin Mennes, identified as Confidential Document No. 03256-03 and William R. Schoneck, Jr., identified as Confidential Document No. 03235-03. As FPL seeks confidential classification for the entirety of these two documents, with the same statutory basis for both requests, it did not provide a line by line justification.

FPL asserts that the information for which it seeks confidential classification constitutes "proprietary, confidential business information," pursuant to Section 366.093(3)(c), Florida Statutes, as it contains information pertaining to security measures, systems, or procedures. FPL further relies on Federal Energy Regulatory Commission (FERC) Order 630, issued February 21, 2003, which protects from public disclosure documents relating to critical energy infrastructure from public disclosure.

FPL specifically asserts that this information includes responses identifying or related to the specific configuration of FPL's transmission facilities, how FPL may incorporate security and terrorist related events into its transmission planning process, and information regarding Attachments 1a and 8 to Exhibit A of FPL's need petition. FPL asserts that such detailed information should be protected inasmuch as it relates to the transmission of energy, could be useful to a person planning an attack on critical infrastructure, and does not simply give the location of the

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infrastructure. In consideration of the above, I find that the information satisfies the requirements of Section 366.093(3)(c), Florida Statutes, and is granted confidential classification in its entirety.

Pursuant to Section 366.093(4), Florida Statutes, confidential protection may only be granted for a period of 18 months unless the entity making the request shows good cause why the period should be extended. FPL did not request a specific duration for the confidential status of the documents, so the documents shall be granted confidential status for 18 months from the date of this Order. At the conclusion of the 18 month period, the confidential information will no longer be exempt from Section 119.07(9), Florida Statutes, unless FPL or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

Based on the foregoing, it is


ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification for portions of the deposition transcripts of William Robert Schoneck (Document No. 03235-03) and C. Martin Mennes (Document No. 03256-03) is granted as set forth in the body of this Order. It is further

ORDERED that pursuant to Section 366.093(4), Florida Statutes, any confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of issuance of this Order in the absence of a renewed request for confidentiality. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

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By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 6th day of June, 2003.



BRAULIO L. BAEZ
Commissioner and Prehearing Officer

(S E A L)

LDH

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; or (2) 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,

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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.