

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida Power & Light Company.

DOCKET NO. 050045-EI

In re: 2005 comprehensive depreciation study by Florida Power & Light Company.

DOCKET NO. 050188-EI

ORDER NO. PSC-05-0910-CFO-EI

ISSUED: September 15, 2005

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 07806-05)

On August 11, 2005, Florida Power & Light Company (FPL) filed a request for confidential classification regarding certain portions of Document No. 07806-05. Specifically, FPL seeks confidential treatment for the following information within its response to Staff's 5th Request for Production of Documents (POD), No. 55: FPL claims company discussions with Citigroup, contained on page numbers FPL286252 – FPL286356 of POD No. 55, are confidential. FPL argues that pursuant to Section 366.093(3)(e), Florida Statutes, the disclosure of such discussions regarding contractual data would harm the company's competitive interests in other negotiations.

Section 366.093(1), Florida Statutes, provides that "any records received by the commission which are shown and found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from [the Public Records Act]." Section 366.093(3), Florida Statutes, defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Section 366.093(3), Florida Statutes, provides that proprietary confidential business information includes, but is not limited to "[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms" (subsection d); and "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information" (subsection e).

Upon review and consideration, it appears that FPL's request for confidential classification regarding information in Document No. 07806-05 satisfies the criteria set forth in Section 366.093(3)(e), Florida Statutes, for classification as proprietary confidential business information and, thus, shall be treated as confidential. The information relates to FPL's competitive interests and its customers' competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

DOCUMENT NUMBER-DATE

08718 SEP 15 05

FPLSC-COMMISSION OF FPL

Pursuant to Section 366.093(4), Florida Statutes, the information for which confidential classification is granted herein shall remain protected from disclosure for a period of 18 months from the date of issuance of this order. At the conclusion of the 18 month period, the confidential information will no longer be exempt from Section 119.07(1), 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 Chairman Braulio L. Baez, as Prehearing Officer, that Florida Power & Light Company's request for confidential classification of information contained in Document No. 07806-05, as specified in the body of this Order, is granted. It is further

ORDERED that information granted confidential classification in Document No. 07806-05 shall remain protected from disclosure for a period of 18 months from the date of issuance of this order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Chairman Braulio L. Baez, as Prehearing Officer, this 15th day of September, 2005.



BRAULIO L. BAEZ
Chairman and Prehearing Officer

(SEAL)

JLS/WCK

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, 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.