

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery clause with generating performance incentive factor.

DOCKET NO. 060001-EI
ORDER NO. PSC-06-0565-CFO-EI
ISSUED: June 30, 2006

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION GRANTED BY ORDER NO. PSC-04-0812-CFO-EI OF CERTAIN PORTIONS OF STAFF'S AUDIT REPORT AND WORKING PAPERS IN AUDIT NO. 04-023-4-1 (DOCUMENT NOS. 04354-04, 04355-04 AND 04646-04)

This Order addresses the continuation of confidential treatment for certain portions of staff's working papers prepared during the Florida Power & Light Company (FPL) Fuel Cost Recovery Clause Audit for the year ended December 31, 2003. By Order No. PSC-04-0812-CFO-EI the Commission initially granted confidential classification for the documents on August 19, 2004. On February 17, 2006, FPL requested that confidential treatment be extended for the information contained in Document Nos. 04354-04, 04355-04, and 04646-04. The documents were granted confidentiality for 18 months, and FPL now requests that confidentiality be extended for an additional 18 months.

FPL requests that the following work papers be granted continued confidential classification:

Staff Work Paper Number	Title	Page(s)	Line(s)	Type of Information Classified Confidential
1	Audit Report Disclosure No. 1	4	22-23	Sensitive contractual information
1	Audit Report Disclosure No. 2	6	5-6,12	Sensitive contractual information
43-3/1-1/1	Gas Consumption	1	47,49-51	Sensitive contractual information
43-3/1-1/1-1	Natural Gas Consumption	1	Col B, 24, 26-31; Col C, 28-31; Col D, 5-20	Sensitive contractual information

DOCUMENT NUMBER-DATE

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Staff Work Paper Number	Title	Page(s)	Line(s)	Type of Information Classified Confidential
43-3/1-1/1-1/1	Gas Purchases	1	8-39,42-52, 58-61,64-65	Sensitive contractual information
43-3/1-1/1-1/1-1	Fuel Sample	1	Col C, 8-10, 12-14,16-17, 19-20,23-24, 27-28,30-31, 33-34,36-37	Sensitive contractual and competitive business information
43-3/1-1/1-1/1-2	Deal Journal	1	6; Col A,C, 7-39; Col F,G,H, 7-40; Col J,K, 7-39	Sensitive contractual information
43-4/1	Inventory Sample	3	Cols B,C,D, 16	Sensitive contractual information
43-4/1	Inventory Sample	6	Cols, B,C,D, 36	Sensitive contractual information
43-4/1	Inventory Sample	8	Cols B,C,D, 48	Sensitive contractual information
43-4/1-1	Receiving Report	1	21-22	Sensitive contractual information
43-4/1-1/1	Natural Gas Consumption	1	51,53-55	Sensitive contractual information
43-4/1-1/1-2	Natural Gas Consumption	1	Col B, 23,25-30; Col C, 27-30; Col D, 5-19	Sensitive contractual information
43-4/1-1/1-1/1-2/1	Gas Sales	1	Cols, A-E, 4-19; 21-26	Sensitive contractual and competitive business information

Staff Work Paper Number	Title	Page(s)	Line(s)	Type of Information Classified Confidential
47-2/2-1	Natural Gas Consumption Report	1	58,60-62	Sensitive contractual information
47-2/2-1/1	Natural Gas Price Computations	1	Col B, 18,20-25; Col C, 22-25; Col D, 2-16; Col E, 22-25	Sensitive contractual information
48	Summary of Decontamination and Decommissioning Fund	1	Col B, 12-14	Sensitive competitive business information
48-1	Allocation of DOE's D&D Fund Payment	1	Cols A-B, 26; Col C, 8-10, 12,17,19	Sensitive competitive business information
48-1/1	Payment Request	1	Col A, 9-14	Sensitive competitive business information
48-1/2	Summary of Payment	1	Cols A-B, 4-7; Col C, 4-7,9-12; Col D, 4-7; Col E, 4-5	Sensitive competitive business information

Staff Work Paper Number	Title	Page(s)	Line(s)	Type of Information Classified Confidential
48-2	Invoice	1	Col A, 18-19, 22-23; Col B, 17,20-21, 24-26;	Sensitive contractual and competitive business information
48-2/1	Deliveries in Work Units	1	All	Sensitive contractual and competitive business information
52	Incremental Hedging Summary	3	23-24	Sensitive contractual and competitive business information
52	Incremental Hedging Summary	5	5-6,12	Sensitive contractual and competitive business information
52-1	Support for Incremental Costs	2	Col A, 4,9-11; Col B, 1-3	Sensitive contractual and competitive business information
52-1	Support for Incremental Costs	3	Col C, 12-14; Col D, 12,14,16	Sensitive contractual and competitive business information
52-1	Support for Incremental Costs	4	Cols A-B, 14-15; Col C, 10; Col D, 10,16	Sensitive contractual and competitive business information
52-1	Support for Incremental Costs	5	Cols D-G,J, 9-28	Sensitive contractual and competitive business information
52-1	Support for Incremental Costs	6	2-3,5-7	Sensitive contractual and competitive business information
52-1	Support for Incremental Costs	7	11-12,18-19, 21-23,25-34	Sensitive contractual and competitive business information
52-1	Support for Incremental Costs	8	Col B, 19-20, 22-25	Sensitive contractual and competitive business information

Staff Work Paper Number	Title	Page(s)	Line(s)	Type of Information Classified Confidential
52-1	Support for Incremental Costs	9	Col B, 12-16, 18-19,20-21	Sensitive contractual and competitive business information
52-2	Support for Incremental Costs	1	Col A, 2; Col B, 3-8;	Sensitive contractual and competitive business information
52-2	Support for Incremental Costs	2	Col N, 2-18	Sensitive contractual and competitive business information
52-2	Support for Incremental Costs	3-5	Col B, 10-11	Sensitive contractual and competitive business information
52-3	Support for Incremental Costs	1	2-4	Sensitive contractual and competitive business information
52-3	Support for Incremental Costs	2	Col F, 8	Sensitive contractual and competitive business information
52-3	Support for Incremental Costs	3	Col B, 10-11	Sensitive contractual and competitive business information
52-9	Support for Incremental Costs	1	Col B, 15-18,31	Sensitive contractual and competitive business information

In its request, FPL states that the period of confidential classification granted by Order No. PSC-04-0812-CFO-EI will soon expire, and that all of the information covered by that Order warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093, Florida Statutes.

FPL maintains that the information for which an extension of confidential classification is requested is proprietary confidential business information including vendor-specific information and detailed procurement information primarily related to FPL's overall procurement practices and strategies. FPL states that the information also relates to fuel deliveries to FPL's nuclear-fueled generating units. FPL asserts that disclosure of this information would impair the efforts of FPL to contract for services on favorable terms and/or would impair the competitive interests of the providers of the information. In addition, FPL states that the material is intended to be and is treated by FPL as private, and has not been disclosed. Nothing has changed since the issuance of Order No. PSC-04-0812-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate, according to FPL.

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FPL requests that the information identified in the table above and Order No. PSC-04-0812-CFO-EI be accorded confidential classification for an additional 18 month period.

Upon review, it appears that the information discussed above continues to be proprietary confidential business information within the meaning of Section 366.093, Florida Statutes. Therefore, FPL's request for extension of confidential treatment of Document Nos. 04354-04, 04355-04, and 04646-04 is granted as set forth in the body of this Order.

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, absent good cause shown. Accordingly, the information identified in Document Nos. 04354-04, 04355-04, and 04646-04 and described in the table above, shall be granted confidential classification for a period of 18 months from the issuance of this Order.

Based on the foregoing, it is

ORDERED by Commissioner Matthew M. Carter II, as Prehearing Officer, that the information described in the body of this Order and contained in Document Nos. 04354-04, 04355-04, and 04646-04 shall be granted confidential classification for a period of 18 months from the issuance of this Order. It is further

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

By ORDER of Commissioner Matthew M. Carter II, as Prehearing Officer, this 30th day of June, 2006.



MATTHEW M. CARTER II
Commissioner and Prehearing Officer

(SEAL)

LCB/pz

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.