

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for determination of need for
Bobwhite-Manatee 230 kV transmission line in
Manatee and Sarasota Counties, by Florida
Power & Light Company.

DOCKET NO. 060424-EI
ORDER NO. PSC-06-0631-CFO-EI
ISSUED: July 26, 2006

ORDER GRANTING REQUEST FOR
CONFIDENTIAL CLASSIFICATION
(DOCUMENT NOS. 05613-06 AND 05614-06)

On June 26, 2006, Florida Power & Light Company (FPL), filed a request for confidential classification of information contained in certain documents filed in this need determination proceeding. Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(4), Florida Administrative Code, FPL requests confidential treatment for specific information contained on page 10, line 7 of the prefiled direct testimony of Vicente Ordax, Jr. (Document No. 05613-06). FPL also requests confidential treatment for information contained in the supporting documents FPL filed with its need determination petition (Document No. 05614-06). That information is found on pages 12, 13 and 14 of Exhibit A to the petition; Attachments 1, 4 and 9 to Exhibit A; Appendix A, pages A.1 through A.25; and Appendix B, pages B.1 through B.12. The information includes maps of FPL's present and planned transmission and distribution facilities, showing the interconnection between FPL's major transmission lines, major transmission stations and power plants, and it contains detailed load flow maps and information showing the interconnection of FPL's transmission infrastructure.

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.

FPL maintains that Document Nos. 05613-06 and 05614-06 contain "proprietary, confidential business information" entitled to confidential treatment under Section 366.093(3)(c), Florida Statutes, because it is information pertaining to "security measures, systems or procedures." FPL also maintains that the information is otherwise entitled to protection from disclosure because it is information that the Federal Energy Regulatory Commission (FERC) protects from public disclosure under Order 630, issued February 21, 2003. That Order provides confidential treatment for information relating to critical energy infrastructure. According to FPL, the information FPL seeks to protect includes information identifying or related to the specific configuration of FPL's transmission facilities. FPL asserts that the detailed information 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 infrastructure. Further, FPL states

DOCUMENT NUMBER-DATE

06545 JUL 26 06

FPSC-COMMISSION CLERK

that the Commission found similar information entitled to confidential treatment in Order No. PSC-03-0685-CFO-EI, issued June 6, 2003, in Docket No. 030084-EI, 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.

In consideration of the above, I find that the information contained in Document Nos. 05613-06 and 05614-06 satisfies the requirements of Section 366.093, Florida Statutes, and is entitled to confidential classification. Section 366.093(4), Florida Statutes, provides that confidential classification 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 an extension of the time period. I therefore grant confidential classification for 18 months from the date of this Order. At the conclusion of the 18 month period, the information will no longer be exempt from Section 119.07, Florida Statutes, unless FPL shows, and the Commission finds, that the documents continue to contain confidential information.

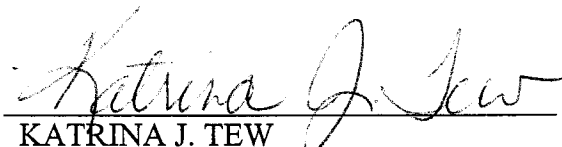
Based on the foregoing, it is

ORDERED by Commissioner Katrina J. Tew, as Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification of Document Nos. 05613-06 and 05614-06 is granted. It is further

ORDERED that pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, 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 pursuant to Section 366.093. 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.

By ORDER of Commissioner Katrina J. Tew, as Prehearing Officer, this 26th day of July, 2006.


KATRINA J. TEW
Commissioner and Prehearing Officer

(S E A L)

MCB

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, 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.