

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-06-0637-CFO-EI  
ISSUED: July 28, 2006

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S FIRST REQUEST  
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION GRANTED  
BY ORDER NO. PSC-04-1090-CFO-EI IN DOCKET NO. 040001-EI  
OF EXHIBITS TLH-1, TLH-2, and TLH-3 TO THE  
PREPARED TESTIMONY OF THOMAS HARTMAN  
(DOCUMENT NOS. 09881-04 AND 11779-04)

This Order addresses the continuation of confidential treatment of portions of Exhibits TLH-1, TLH-2, and TLH-3 to the prepared testimony of Thomas Hartman filed on September 9, 2004 (Document No. 09881-04). On November 2, 2004, FPL filed a revised redacted version of Exhibits TLH-1, TLH-2, and TLH-3 and a revised request for confidential classification (Document No. 11779-04).

By Order No. PSC-04-1090-CFO-EI the Commission initially granted confidential classification for the documents on November 4, 2004. On May 4, 2006, Florida Power & Light Company (FPL) requested that confidential treatment be extended for the information contained in the redacted portions of Document Nos. 09881-04 and 11779-04. The documents were granted confidentiality for 18 months, and FPL now requests that confidentiality be extended for an additional 18 months.

In its request, FPL states that the period of confidential classification granted by Order No. PSC-04-1090-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 states that it seeks confidential classification for certain information on pricing and other contractual terms contained in the contracts for the purchase of capacity and energy between Southern Company Services, Inc. and FPL from Scherer Unit 3, Harris Unit 1, and Franklin Unit 1, which are Exhibits TLH-1, TLH-2, and TLH-3 respectively. FPL asserts that it seeks confidential protection for the Power Purchase Contract Information because it relates to bids and other contractual data, the disclosure of which would impair FPL's ability to contract for fuel and electric power on favorable terms and because it relates to competitive interests of FPL and Southern Company Services, Inc., the disclosure of which would impair both of their competitive businesses. FPL states that this information is intended to be and is treated by FPL as private and has not been publicly disclosed. Nothing has changed since the issuance of Order No. PSC-04-1090-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate, according to FPL.

DOCUMENT NUMBER-DATE

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As a result, FPL requests that the confidential information identified in Order No. PSC-04-1090-CFO-EI be accorded confidential classification for an additional 18 month period.

Upon review, it appears that the redacted portions of exhibits TLH-1, TLH-2 and TLH-3, respectively, attached to the prepared testimony of Thomas Hartman (the "Power Purchase Contract Information") which were the subject of Order No. PSC-04-1090-CFO-EI, dated November 4, 2004, continue to be proprietary confidential business information within the meaning of Section 366.093, Florida Statutes, to the same extent confidentiality was granted by this Commission's prior order. The information constitutes "information 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" or "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." Therefore, FPL's request for extension of confidential treatment of the redacted portions of Exhibits TLH-1, TLH-2 and TLH-3 to the prepared testimony of Thomas Hartman filed on September 9, 2004 and on November 2, 2004 (Documents Numbered 09881-04 and 11779-04) is granted.

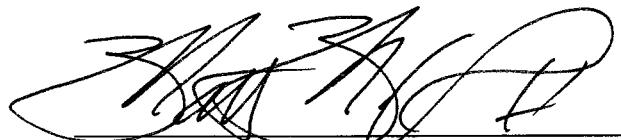
Section 366.093(4), Florida Statutes, provides that any finding by the Commission that records contain proprietary confidential business information shall be effective for a period not to exceed 18 months, absent good cause shown. Accordingly, the redacted information identified in Document Nos. 09881-04 and 11779-04, 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. 09881-04 and 11779-04 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 28th day of July, 2006.



MATTHEW M. CARTER II  
Commissioner and Prehearing Officer

( S E A L )

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.