

BEFORE THE PUBLIC SERVICE COMMISSION

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

DOCKET NO. 070001-EI
ORDER NO. PSC-07-0687-CFO-EI
ISSUED: August 23, 2007

ORDER GRANTING FLORIDA POWER & LIGHT'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
FILED IN DOCKET NO. 060001-EI (DOCUMENT NO. 10039-06)

On October 30, 2006, pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light ("FPL") filed a request for confidential classification of portions of its response to Interrogatory Nos. 75 and 76 of Staff's Eighth Set of Interrogatories (Document No. 10039-06). This request was filed in Docket No. 060001-EI.

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)(e), Florida Statutes, provides that proprietary confidential business information includes, but is not limited to "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information."

FPL contends that portions of its response to Interrogatory Nos. 75 and 76 fall within this category and thus constitutes proprietary confidential business information entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. FPL states that this information is intended to be and is treated by FPL as private and has not been publicly disclosed.

FPL requests that the following information be granted confidential classification:

Interrogatory	Description	Pages	Line No.
No. 75	Hedging Information	1 of 1	Entire Chart
Attachment I Of Interrogatory No. 75	Hedging Information	1 of 243	All
No. 76	Hedging Information	1 of 1	All

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

FPL contends that portions of its response to Interrogatory Nos. 75 and 76 contain its hedging strategy, including details of specific hedging transactions, the disclosure of which would impair FPL's competitive interests. Interrogatory No. 75 requests a break down of realized losses or gains by natural gas or heavy oil, by month, and by type of hedge – physical or financial. In addition, FPL is asked to provide a calculation of the loss or gain showing specific fuel prices – the market prices and the price locked in by the hedge. Interrogatory No. 76 asks FPL to provide its percentage objective for hedging residual fuel oil purchases and for hedging purchases from 2006 to date. Additionally, with regard to FPL's plans to hedge a percentage of its residual fuel oil and natural gas purchases with a combination of fixed price transactions and options, Interrogatory No. 76 asks FPL to provide specific percentages for each. FPL states that public disclosure of its hedging strategy and the various volumes, prices, hedging value and gains or losses on hedging which make up that strategy would adversely affect FPL's competitive interests. FPL further states that disclosure of the details regarding the implementation of its hedging would impair its efforts to contract for goods and services on favorable terms.

Upon review, it appears that the above-referenced information contained in FPL's response to Interrogatory Nos. 75 and 76, satisfies the criteria set forth in Section 366.093(3), Florida Statutes, for classification as proprietary confidential business information and, thus, shall be treated as confidential. The information constitutes “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Thus, this information is granted confidential classification.

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 Commissioner Matthew M. Carter II, as Prehearing Officer, that Florida Power & Light's Request for Confidential Classification of Document No. 10039-06 is granted. It is further

ORDERED that the information in Document No. 10039-06 for which confidential classification has been granted 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 Commissioner Matthew M. Carter II, as Prehearing Officer, this 23rd
day of August, 2007.


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 Office of Commission Clerk, 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.