

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to determine need for Turkey Point Nuclear Units 6 and 7 electrical power plant, by Florida Power & Light Company.

DOCKET NO. 070650-EI
ORDER NO. PSC-08-0037-CFO-EI
ISSUED: January 14, 2008

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 09469-07)

On October 16, 2007, pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company (FPL) filed a request for confidential classification for information contained in Exhibit SDS-3 of the prefiled direct testimony of FPL witness Steven D. Scroggs filed October 16, 2007 (Document No. 09469-07) in this docket.

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)(d) and (e), Florida Statutes, provides that proprietary confidential business information includes, but is not limited to 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; and information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

FPL contends that information contained in Exhibit SDS-3 of the prefiled direct testimony of Steven D. Scroggs falls within these categories, 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:

Document	Description	Page & Line Nos.	Florida Statute	Affiant
Exhibit SDS-3	Confidential Vendor Information	All	366.093(3)(d) and 366.093(3)(e)	S. Scroggs

DOCUMENT NUMBER-DATE

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FPL contends that the information mentioned above consists of a side-by-side comparison of various technical features, as well as cost and performance data, for the alternative designs FPL is considering for the new nuclear units. FPL asserts that this information relates to the competitive interests of FPL and its vendors, the disclosure of which would impair the competitive business of the provider of the information. FPL further contends that disclosure of this information would jeopardize their ability to negotiate contract terms. Finally, FPL asserts that disclosure of this information would substantially impair FPL's prospective ability to solicit bids, to the detriment of FPL and its customers.

Upon review, it appears that the above-referenced information contained in Exhibit SDS-3 of the prefiled direct testimony of Steven D. Scroggs 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 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. Thus, I find it appropriate that this information shall be 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 Nathan A. Skop, as Prehearing Officer, that Florida Power & Light's Request for Confidential Classification of Document No. 09469-07 is granted. It is further

ORDERED that the information in Document No. 09469-07 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.

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By ORDER of Commissioner Nathan A. Skop, as Prehearing Officer, this 14th day of January, 2008.



NATHAN A. SKOP

Commissioner and Prehearing Officer

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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 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.