

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to determine need for Florida  
EnergySecure Pipeline by Florida Power &  
Light Company.

DOCKET NO. 090172-EI  
ORDER NO. PSC-09-0338-CFO-EI  
ISSUED: May 18, 2009

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION  
(DOCUMENT NO. 03086-09)

Pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Florida Power & Light Company (FPL) requests confidential classification of certain exhibits to the testimony of FPL witnesses Stubblefield, Sharra, and Sexton, which FPL believes include information that is "proprietary business information entitled to confidential treatment under Section 366.093(3), F.S.

Section 366.093(1), F.S., 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), F.S., 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), F.S., 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.

FPL states that the documents for which it requests confidential classification include bidding information submitted in response to FPL's solicitation for natural gas transportation proposals, a Letter of Intent between FPL and one of the respondents to the solicitation, and a detailed description of that respondent and its proposal. FPL asserts that without assurances that the identities of the respondents and the details of their proposals would not be publicly disclosed, the respondents might withhold sensitive information or not participate in the solicitation at all. As a result, FPL's ability to contract for goods and services on favorable terms would be impaired. FPL also asserts that disclosure of the respondents' sensitive information would impair their competitive interests. FPL states that this information is intended to be and is treated by FPL as private and confidential and has not been publicly disclosed.

FPL requests that the following information be granted confidential classification:

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

DOCUMENT	PAGE NO(S).	COLUMNS	LINE NO(S).	STATUTORY JUSTIFICATION
Exhibit HCS-2 - Summary of Company B, Company E and FPL Florida EnergySecure Line Transportation Rates	1	A, B, C, D	1-2	§ 366.093(3)(d) & (e), Fla. Stat.
Exhibit HCS-3 – Letter of Intent with Company E	1	N/A	1-2	§ 366.093(3)(d) & (e), Fla. Stat.
	5	N/A	1-5	
Exhibit RGS-3 - “Company E” Fact Sheet	1	N/A	All	§ 366.093(3)(d) & (e), Fla. Stat.
Exhibit RGS-4 - Report entitled “The Economic & Tax Benefits of FPL’s Proposed Natural Gas Pipeline,” prepared by Fishkind & Associates, Inc.	10	N/A	1-2	§ 366.093(3)(d) & (e), Fla. Stat.
	12	N/A	1-2	
Exhibit TCS-6 - Approximate Cost of Service to Transport Natural Gas from Transco CS 85 to Company B Project	1	N/A	1-11	§ 366.093(3)(d) & (e), Fla. Stat.
Exhibit TCS-7 - Gas Cost Savings Analysis	2	1, 2, 4, 5, 7, 8, 10, 12	All	§ 366.093(3)(d) & (e), Fla. Stat.
	3	1, 2, 4, 5, 7, 8, 10, 12	All	
	4	1, 2, 4, 5, 7, 8, 10, 12	All	
	5	A-H	1-10	
	7	A-H	1-10	
	10	A-E	1-10	
	11	5, 6, 7, 14	All	
	13	A-E	1-7	
	14-18	A-F	1-7	
	19	A-E	1-7	
20	8,9,13,15, 16, 17, 18	All		

Upon review, it appears that the information contained in Document No. 03086-09 satisfies the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information. The documents include information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms and impair the competitive interests of the providers of the information. Thus, this information shall be granted confidential classification.

Pursuant to Section 366.093(4), F.S., 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), F.S., 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 Lisa Polak Edgar, as Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification of Document No. 03086-09 is granted. It is further

ORDERED that the information in Document No. 03086-09 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 Lisa Polak Edgar, as Prehearing Officer, this 18th day of May, 2009.

  
LISA POLAK EDGAR  
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; 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.