

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: INVESTIGATION INTO AFFILIATED) DOCKET NO. 860001-EI-G
 COST-PLUS FUEL SUPPLY RELATIONSHIPS OF) ORDER NO. 20333
 FLORIDA POWER CORPORATION) ISSUED: 11-18-88

ORDER REGARDING CONFIDENTIALITY

This is a tentative ruling regarding confidential nature of information filed with the Florida Public Service Commission in this docket. In the absence of a protest to this order, this ruling will serve as a final determination with respect to the confidentiality of the matters in issue.

Pursuant to Rule 25-22.006(4), Florida Administrative Code, Florida Power Corporation (FPC) and Occidental Chemical Corporation (OCC), have requested specified confidential treatment for certain filings in the above-styled docket before the Florida Public Service Commission. The particular filings for which specified confidential treatment is requested are as follows:

<u>DATE OF REQUEST</u>	<u>COMPANY</u>	<u>DOCKET NO.</u>	<u>DOCUMENT NUMBER(S)/REQUEST</u>
11/07/88	OCC	860001-EI-G	11686-88 Testimony and Exhibits of Sansom
11/07/88	OCC	860001-EI-G	11688-88 Testimony and Exhibits of Barbaro
11/04/88	FPC	860001-EI-G	11614-88 Testimony and Exhibits of Carter
11/04/88	FPC	860001-EI-G	11615-88 Testimony and Exhibits of Heinicka
11/02/88	FPC	860001-EI-G	11506-88 Late Filed Exhibit #8 to October 21, 1988 deposition of Bourn
11/02/88	FPC	860001-EI-G	11505-88 FPC Responses to Questions 1, 3, and 5 of Public Counsel's October 21, 1988 Interrogatories
11/03/88	FPC	860001-EI-G	11495-88 Pages 1-130, with Exhibit 10 to October 21, 1988 deposition of Bourn
11/03/88	FPC	860001-EI-G	11474-88 FPC's Responses to Staff's late filed Requests Nos. 1 and 5 regarding October 21, 1988 deposition of Bourn

DOCUMENT NUMBER-DATE

12213 NOV 18 1988

FPSC-RECORDS/REPORTING

ORDER NO., 20333
 DOCKET NO. 860001-EI-G
 PAGE 2

<u>DATE OF REQUEST</u>	<u>COMPANY</u>	<u>DOCKET NO.</u>	<u>DOCUMENT NUMBER(S)/REQUEST</u>
11/03/88	FPC	860001-EI-G	11473-88 . Response to Question No. 24 - Staff's 1st Set of Interrogatories. Responses to Questions Nos. 68, 74, & 75 - Staff's 2nd Set of Interrogatories. Response to Question No. 24 - Citizen's 2nd Set of Interrogatories.
11/09/88	FPC	860001-EI-G	11751-88 Responses to Question No. 13(c) - Staff's 1st Set of Interrogatories
11/09/88	FPC	860001-EI-G	11689-88 Direct Testimony of Jaron with exhibits
11/09/88	FPC	860001-EI-G	11752-88 Response to Interrogatory No. 110 - Public Counsel's 2nd Set of Interrogatories

The above documents contain information related to FPC's fuel contracts. Disclosure of this information, the parties contend, would likely impair FPC's ability to negotiate future fuel and transportation contracts because potential bidders would be informed of current prices paid for these services.

Section 366.093(1), Florida Statutes, provides in pertinent part:

Upon request of the public utility, any records received by the Commission which are shown to be proprietary confidential business information shall be kept confidential and shall be exempt from s. 119.07(1).

Section 366.093(3), Florida Statutes, defines proprietary confidential business information as, among other things, information concerning bids or other contractual data, the disclosure of which would impair the efforts of the utility to contract for services on favorable terms.

ORDER NO., 20333
DOCKET NO. 860001-EI-G
PAGE 3

Rule 25-22.006(4)(c), Florida Administrative Code, provides in pertinent part:

The burden of proof shall be on the source to show that the document or other material in question contains bona fide proprietary confidential business information. A request for specified confidential classification that fails to identify the proprietary information in sufficient detail to permit a reasoned analysis or which fails to provide a detailed justification for classification may be denied as insufficient on its face.

Based upon an examination of the above documents, I find that the request does not identify with sufficient specificity the material for which specified confidential treatment is requested.

In consideration of the above, it is

ORDERED that the Request for Specified Confidential Treatment specified above is denied. It is further

ORDERED that if, pursuant to Rule 25-22.006(2)(f), Florida Administrative Code, a protest is filed within fourteen (14) days of the date of this Order, it will be resolved by the appropriate Commission panel pursuant to Rule 25-22.006(3)(d), Florida Administrative Code.

By ORDER of Chairman Katie Nichols, as Prehearing Officer, this 18th day of Novmeber, 1988.

Katie Nichols
KATIE NICHOLS, Chairman
and Prehearing Officer

(S E A L)

RF