

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power) DOCKET NO. 890001-EI
Cost Recovery Clause and Generating) ORDER NO. 21117
Performance Incentive Factor.) ISSUED: 4-24-89
_____)

ORDER GRANTING CONFIDENTIALITY TO PORTIONS
OF FLORIDA POWER CORPORATION'S
DECEMBER, 1988 AND JANUARY, 1989 FUEL REPORT FORMS

Florida Power Corporation (FPC) has requested specified confidential classification for portions of its December, 1988 and January, 1989 fuel report forms. The items for which it seeks confidentiality are:

- Form 423-1(a)
- Form 423-2(a)
- Form 423-2(b)
- Form 223-2(c)

All of these documents contain information related to the company's fuel contracts. Disclosure of this information, FPC contends, would likely impair its ability to negotiate future fuel and transportation contracts because it would inform potential bidders of current prices paid for services.

Section 366.093(1) states 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).

Subsection (3) of the section 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. Our confidentiality rule states that classification of material as proprietary confidential business information can be justified by demonstrating how the information it contains falls under one or more of the statutory examples. Rule 25-22.006(4), Florida Administrative Code.

An examination of FPC's documents, which are identified by the Division of Records and Reporting as DN 2707-89 and DN 1778-89, shows that they contain confidential information which, if released, could affect the company's ability to contract for fuel on favorable terms.

In consideration of the foregoing, it is

ORDERED that the information in DN 2707-89 and DN 1778-89 for which FPC seeks confidentiality is confidential and shall continue to be exempt from the requirements of Section 119.07(1), Florida Statutes. It is further

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ORDERED that if a protest is filed within 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 Commissioner John T. Herndon, as Prehearing Officer, this 24th day of APRIL, 1989.

John T. Herndon
JOHN T. HERNDON, Commissioner
and Prehearing Officer

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