

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Fuel and Purchased Power)	DOCKET NO.	890001-EI
Cost Recovery Clause and Generating)	ORDER NO.	21655
Performance Incentive Factor)	ISSUED:	8-2-89
)		

ORDER GRANTING CONFIDENTIALITY TO PORTIONS
OF FPL'S APRIL, 1989
FUEL REPORT FORMS

Florida Power and Light Company (FPL), has requested specified confidential classification for Form 423-1(a), of its April, 1989 fuel report.

This document contains information related to the company's fuel contracts. Disclosure of this information, FPL 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), Florida Statutes, 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.

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An examination of FPL's document DN 5888-89, shows that it contains 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 FPL seeks to protect from public disclosure on its April, 1989 FPSC Form 423-1(a) identified as DN 5888-89 is confidential and shall continue to be exempt from the requirements of Section 119.07(1), Florida Statutes. It is further

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 2nd day of AUGUST, 1989.

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

(S E A L)

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