

BEFORE THE PUBLIC SERVICE COMMISSION

In Re: Fuel and Purchased Power ) DOCKET NO. 900001-EI  
Cost Recovery Clause and Generating ) ORDER NO. 23567  
Performance Incentive Factor. ) ISSUED: 10-02-90  
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ORDER GRANTING CONFIDENTIALITY TO DOCUMENTS  
IN RESPONSE TO OPC'S NOVEMBER 3, 1989  
REQUEST FOR PRODUCTION OF DOCUMENTS

On December 20, 1989, the Florida Public Service Commission received a Petition for Confidential Treatment from Florida Power Corporation (FPC). Pursuant to Section 366.093, Florida Statutes, and Rule 25.22006, Florida Administrative Code, FPC requested confidential treatment of certain information sought by Citizens Request for Production Of Documents in Docket No. 890001-EI, served on FPC on November 3, 1989.

FPC contends that the material found in the above referenced Production Request contains proprietary information consisting of techniques and methods of analysis developed by FPC consultants and information regarding the pricing of consultants services or computational methods used to establish such prices. Disclosure of this information, FPC contends, would likely reveal trade secrets and contractual terms which would harm FPC consultants by conferring upon competitors an advantage.

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

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

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Subsection (3) of the section generally defines proprietary confidential business information as information owned or controlled by the utility which is intended to be private and whose disclosure would cause harm to the ratepayers or the utility's operations. More specifically, it lists trade secrets and contractual data as examples of proprietary confidential business information.

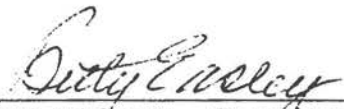
An examination of the Petition and the document itself reveals that FPC is requesting confidentiality for trade secrets and contractual data. The techniques and methods of analysis developed by FPC's consultants are trade secrets the disclosure of which may confer a competitive advantage upon competitors, and consequently adversely effect ratepayers. Furthermore, the pricing of consultant services or computational methods used to establish such prices are contractual terms whose disclosure may impair the efforts of FPC to contract for similar services on favorable terms in the future.

In consideration of the foregoing, it is

ORDERED that the information FPC seeks to protect from disclosure found in the Citizen's Request For Production Of Documents in Docket No. 890001-EI, served on FPC on November 3, 1989, and identified as DN 12034-89, is confidential and shall be kept confidential for a period of 18 months starting from the date of this order. 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)(c), Florida Administrative Code.

By ORDER of Commissioner Betty Easley, Prehearing Officer, this 2nd day of OCTOBER, 1990.

  
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BETTY EASLEY, Commissioner  
and Prehearing Officer

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