



AIRBORNE EXPRESS

July 14, 1994

Ms. Blanca Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399-0850

ORIGINAL
FILE COPY

Re: Request for Confidential Classification of Certain Material
Obtained by the Staff as part of its Fuel Audit of FPL
Docket No. 940001-BI

Dear Ms. Bayo:

Please find enclosed the original and fifteen copies of the Affidavit of Daniel C. Poteralski (identified as Attachment G to FPL's Request for Confidential Classification of Certain Material Obtained by the Staff as Part of its Fuel Audit of FPL) which was filed with the Commission on June 30, 1994. Please substitute this original Affidavit for the faxed copy which was filed on June 30, 1994.

Please return a file stamped copy of this letter to me in the stamped, self-addressed envelope provided herein. If you have any questions regarding this filing, please call me at (305) 552-2724.

Sincerely,

ACK ✓
AFS
APP
CAF
CMU
CTR
EAG
LEG
LIN
OPC
RCH
SEC
WAS
OTH

Steven H. Feldman
Attorney

SHF:sk

Enclosures

cc: All Parties of Record
shf\5\conf2.ltr

RECEIVED & FILED
MAY 15 1994
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE

X - neg DN 06504-94

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

AFFIDAVIT OF DANIEL C. POTERALSKI

Before me, the undersigned authority, appeared Daniel C. Poteralski, who being duly sworn by me, said and testified:

1. My name is Daniel C. Poteralski; my business address is Florida Power & Light Company, P. O. Box 14000, Juno Beach, Florida. I am employed by Florida Power & Light Company (FPL) as Manager of Nuclear Fuel.

2. This affidavit is in support of FPL's Request For Confidential Classification of material obtained by the Commission's Staff during its June, 1994 Fuel Audit. Specifically, this affidavit is in support of FPL's request that material obtained by Staff through note taking and embodied in Staff's Work Papers at the lines and pages delineated below, be classified as confidential information:

- Staff Work Paper -
- 43-3/4-2/2, lines 1-10
- 43-3/4-2/2-1, lines 1-6
- 43-3/4-2/3, pg. 1, lines 1-7
- 43-3/4-2/3, pg. 2, lines 1-3
- 43-3/4-2/3, pg. 3, lines 1-6
- 43-3/4-2/3, pg. 4, lines 1-4
- 43-3/4-2/3, pg. 5, lines 1-3
- 43-3/4-2/3, pg. 6, lines 1-3
- 43-3/4-2/3, pg. 7, lines 1-2
- 43-3/4-2/3, pg. 8, lines 1-11
- 43-3/4-2/3-1, lines 1-17
- 43-3/4-2/4, pg. 4, lines 1-40
- 43-3/4-2/4, pg. 5, lines 1-29

3. All of the obtained material found at the lines and pages of Staff's Work Papers identified above came from FPL contracts for Nuclear Fuel Fabrication Services. Therefore, the obtained material is contractual data. Because of the unique characteristics of the market for nuclear fuel fabrication services, the disclosure of terms or conditions, that affect price or performance requirements, is reasonably likely to impair the efforts of FPL to contract for nuclear fuel fabrication services on favorable terms in the future. Consequently, the obtained material is proprietary confidential business information.

4. The unique nature of the nuclear fuel fabrication services market, which also includes poison rod and engineering services, is characterized by a limited number of service providers. This limited availability of service providers creates

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a market wherein the confidentiality of the price, terms, and conditions of the services offered is necessary to gain the most favorable nuclear fuel fabrication services contract on behalf of FPL's ratepayers. Nuclear fuel fabrication service firms are presently willing to provide concessions to FPL due to the nature of the limited market. However, if contractual data such as the identified material obtained by Staff is made public it is likely that FPL will not be able to gain concessions in the future.

5. The material identified in paragraph 2 should remain classified until December 31, 2009. By that date, FPL will most likely have secured a contract for its next nuclear fuel fabrication services. The contract provides that the confidentiality requirement shall apply for six (6) years after delivery of the last reload region delivered under this contract, which is December, 2009. Disclosure of the identified material before that date is likely to have a material effect on FPL's ability to negotiate its next contract for nuclear fuel fabrication services.

6. The Nuclear Fuel Fabrication Service contracts provide that the contractual terms will be kept confidential and that the terms shall not be disclosed to third parties.

7. The obtained material identified above is intended to be and is treated by FPL as confidential. The obtained material has not been publicly disclosed and has only been circulated to a select few employees of FPL on a need to know basis.

8. Further Affiant Sayeth Naught.

Daniel C. Poteralski
Daniel C. Poteralski

SWORN TO AND SUBSCRIBED before me this 1st day of July, 1994, by DANIEL C. Poteralski, who is personally known to me ~~or has produced~~ (type of identification) as identification.

Roberta S. Economy
Notary Public
State of Florida
Roberta S. Economy
Typed name
CC283823
Serial number, if any

My commission expires:
shf\5\poteral.aff



ROBERTA S. ECONOMY
MY COMMISSION # CC283823 EXPIRES
June 1, 1997
BONDED THRU TROY FAIR INSURANCE, INC.