

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for confidential) DOCKET NO. 961448-EI
classification of certain) ORDER NO. PSC-97-0055-CFO-EI
workpapers to staff audit report) ISSUED: January 15, 1997
regarding affiliated)
transactions by Florida Power)
Corporation)
_____)

ORDER GRANTING IN PART AND DENYING IN PART REQUEST FOR SPECIFIED
CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO. 12924-96

During the course of the Commission's Affiliated Transaction Audit of Florida Power Corporation (FPC or the utility), FPC provided numerous documents for staff's review. Included in these documents were two single-page workpapers of the external auditors of Electric Fuels Corporation (EFC), FPC's affiliated coal supplier, for which FPC now seeks confidential treatment.

Pursuant to Section 119.01, Florida Statutes, documents submitted to this Commission are public records. The only exceptions to this law are specific statutory exemptions and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision.

Pursuant to the provisions of Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the utility has the burden of demonstrating that the materials qualify for specified confidential classification. According to Rule 25-22.006, Florida Administrative Code, the utility must meet this burden by demonstrating that the materials fall into one of the statutory examples set forth in Section 366.093, Florida Statutes, or by demonstrating that the information is proprietary confidential business information, the disclosure of which will cause the utility or its ratepayers harm.

The information for which FPC has requested specified confidential treatment consists of two workpapers entitled "FPSC Rate Case Results" and "Allowable Earnings Schedule" respectively. The FPSC Rate Case Results workpaper contains sensitive pricing information concerning water-borne coal transportation. According to FPC, disclosure of the highlighted information would impair the ability of FPC, or EFC on FPC's behalf, to negotiate future coal and coal transportation contracts on favorable terms. The Allowable Earnings Schedule workpaper contains sensitive proprietary financial information concerning EFC's equity, allowable earnings, and dividends and contributions for purchases of locomotives. According to FPC, the highlighted information

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could be used to derive its fuel cost for rail deliveries to Crystal River Units 1 and 2. If this information were disclosed, FPC argues it could also impair its ability to negotiate future coal and coal transportation contracts on favorable terms.

FPC asserts that the information for which confidential treatment has been requested is intended to be and is treated as confidential by FPC and has not been disclosed to the public.

Upon review, the information identified in Document No. 12924-96 is hereby found to be proprietary confidential business information pursuant to Section 366.093, Florida Statutes. As such, it shall be kept confidential and shall be exempt from Section 119.07(1), Florida Statutes.

However, FPC's request that the FPSC Rate Case Results and Allowable Earnings Schedule workpapers be returned to FPC after the 18-month classification period is hereby denied. The Commission's policy is to retain audit workpapers for 25 years. Prior to the end of the 18-month period, the utility may request an extension to the confidential classification period.

It is therefore

ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that the Request for Specified Confidential Classification of certain information identified in Document No. 12924-96, filed by Florida Power Corporation, is hereby granted in part and denied in part pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093, Florida Statutes, for the reasons set forth in the body of this Order. It is further

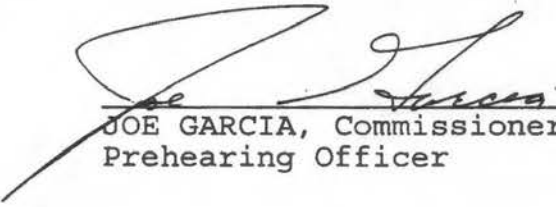
ORDERED that pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidential classification granted to the documents specified herein shall expire eighteen months from the date of issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 366.093. It is further

ORDERED that this Order will be the only notification by the Commission to the utility concerning the expiration of the confidentiality time period. It is further

ORDERED that this docket be closed.

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By ORDER of Commissioner Joe Garcia, as Prehearing Officer,
this 15th day of January, 1997.



JOE GARCIA, Commissioner and
Prehearing Officer

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.