

ORIGINAL

Florida Power & Light Company, P. O. Box 029100, Miami, FL 33102-9100



VIA FEDERAL EXPRESS

October 30, 1997

Ms. Blanca S. Bayó, Director  
Division of Records and Reporting  
Florida Public Service Commission  
Betty Easley Conference Center  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: **Docket No. 970001-EI**

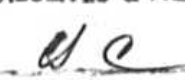
Dear Ms. Bayó:

Enclosed for filing with the Commission in Docket No. 970001-EI are the original and fifteen copies of FPL's Request for Confidential Classification regarding certain information reported on the Commission's Form 423-1(a) for the month of September 1997. The original is accompanied by Attachments A, B and C. Please note that Attachment A is an unedited Form 423-1(a) and therefore needs to be treated as confidential. The fifteen copies are accompanied by Attachments B and C.

If you have any questions regarding this transmittal or the information filed herewith, you may contact me at (305) 552-3924.

Very truly yours,

  
David L. Smith  
Senior Attorney

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FPC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

ORIGINAL

BEFORE THE

FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power )  
Cost Recovery Clause and Generating )  
Performance Incentive Factor )  
\_\_\_\_\_ )

Docket No. 970001-EI

REQUEST FOR CONFIDENTIAL CLASSIFICATION

Pursuant to §366.093, F.S. (1995) and Rule 25-22.006, F.A.C., Florida Power & Light Company ("FPL") hereby files with the Florida Public Service Commission ("Commission") this "Request for Confidential Classification" ("Request") regarding certain information reported on FPL's September 1997 423-1(a) Fuel Report as delineated below.

In support of this Request, FPL states:

1. FPL seeks classification of the information specified as proprietary

confidential business information pursuant to §366.093, F.S. (1995), which provides in pertinent part, as follows:

(1) \*\*\* 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 confidential business information shall be kept confidential and shall be exempt from s. 119.07(1).

\*\*\*

(3) \*\*\* Proprietary confidential business information includes, but is not limited to:

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FPSC-RECORDS/REPORTING

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(d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms.

2. In applying the statutory standards delineated above in paragraph 1, the Commission is not required to weigh the merits of public disclosure relative to the interests of utility customers. The issue presented to the Commission, by this FPL Request, is whether the information sought to be protected fits within the statutory definitions of proprietary confidential business information, as set forth in §366.093, F.S. (1995). If the information is found by the Commission to fit within the statutory definitions, then it should be classified as confidential, be treated in accordance with Rule 25-22.006, F.A.C., and be exempt from §119.07(1), F.S. (1995). To establish that material is proprietary confidential business information under §366.093(3)(d), F.S. (1995), a utility must demonstrate that (i) the information is contractual data, and (ii) the disclosure of the data would impair the efforts of the utility to contract for goods or services on favorable terms.

3. Attached to this Request and incorporated herein by reference are the following documents:

- |              |  |
|--------------|--|
| Attachment A | A copy of FPL's September 1997 Form 423-1(a) with the information for which FPL seeks confidential classification highlighted. This document is to be treated as confidential. |
| Attachment B | An edited copy of FPL's September 1997 Form 423-1(a) with the information for which FPL seeks confidential classification edited out. This document may be made public.        |

Attachment C

A line-by-line justification matrix identifying each item on FPL's Form 423-1(a) for which confidential classification is sought, along with a written explanation demonstrating that (1) the information is contractual data, and (2) the disclosure of such data would impair the efforts of FPL to contract for goods or services on favorable terms.

4. FPL requests that the Commission make two findings with respect to the No. 6 fuel oil information identified as confidential on Attachments A and C:

- (a) That the No. 6 fuel oil data identified are contractual data; and
- (b) That FPL's ability to procure No. 6 fuel oil, terminaling and transportation services, and petroleum inspection services is reasonably likely to be impaired by the disclosure of the information identified because:
  - (i) The markets in which FPL, as a buyer, must procure No. 6 fuel oil, terminaling and transportation services, and fuel inspection services are oligopolistic; and
  - (ii) Pursuant to economic theory, a substantial buyer in an oligopolistic market can obtain price concessions not available to other buyers, but the disclosure of such concessions would end them, resulting in higher prices to that purchaser.

5. Although FPL normally requests that the Commission make findings with respect to No. 2 fuel oil information identified as confidential on Attachments A and C, FPL made no purchases of No. 2 fuel oil during September 1997 and, therefore, no such information appears on Attachments A and C to this Request.

6. FPL requests that the information for which FPL seeks confidential classification not be declassified until the dates specified on Attachment C. The time periods requested are necessary to allow FPL to utilize its market presence in negotiating

future contracts. Disclosure prior to the identified dates of declassification would impair FPL's ability to negotiate future contracts.

7. The material identified as confidential information on Attachments A and C is intended to be and is treated by FPL as private, and has not, to the best of FPL's knowledge and belief, otherwise been publicly disclosed.

**WHEREFORE**, FPL respectfully requests that the Commission grant FPL's Request for Confidential Classification as permitted by Rule 25-22.006, F.A.C., and classify as confidential the information identified on Attachments A and C.

Respectfully submitted,

Dated October 30, 1997



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