

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power
Cost Recovery Clause and
Generating Performance Incentive
Factor.

DOCKET NO. 980001-EI
ORDER NO. PSC-98-0541-CFO-EI
ISSUED: April 20, 1998

ORDER GRANTING CONFIDENTIAL CLASSIFICATION TO PORTIONS OF
FLORIDA POWER AND LIGHT COMPANY'S FUEL COST RECOVERY AUDIT
(DOCUMENT NOS. 06105-97 & 06623-97)

Florida Power & Light Company (FPL) requests confidential classification for certain material obtained during the Fuel Cost Recovery Audit (Audit). The information for which confidential classification is sought is contained in Document Nos. 06105-97 and 06623-97. FPL claims that this information is confidential proprietary business information as defined in Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. FPL seeks confidential classification for the information discussed herein pursuant to Florida Statutes Sections 366.093(3)(b) (internal audit information), 366.093(3)(d) (contractual data and pricing information), 366.093(3)(e) (data the disclosure of which has the potential to cause competitive harm), and 366.093(3)(f) (employee personnel information unrelated to compensation, duties, qualifications and responsibilities). FPL asserts that the materials for which it seeks confidential classification are confidential business records and are treated as such by FPL. This information has not been disclosed. Pursuant to section 366.093, Florida Statutes, such materials are entitled to confidential treatment and are exempt from the mandatory disclosure provisions of the public records law.

FPL seeks confidential treatment for workpaper number 9, internal audit notes, pages 1-7 in their entirety because the referenced material is related to internal auditing controls and/or reports of internal auditors within the meaning of Section 366.093(3)(b), Florida Statutes. For the information contained in workpapers 9-2/2, Schedule of Natural Cost and Volumes, FPL seeks confidential classification for the information contained in page 1, Cost Schedule column 2; page 1, column 3, except Total Figure; page 1, columns 2 and 3 Volumes schedule; page 1, handwritten notes beneath schedules, lines 1, 2 and 4; and, page 2 entire columns 1-4. This information is entitled to confidential classification because the referenced material concerns contractual data and pricing information, the disclosure of which would impair FPL's

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ability and efforts to enter into similar types of contracts in the future on favorable terms. FPL also asserts that this information is entitled to confidential classification because it relates to the competitive interests of FPL. FPL concludes, therefore, that disclosure of this information would impair FPL's competitive business within the meaning of Section 366.093(3)(e), Florida Statutes. FPL argues that all matters identified as exempt from disclosure pursuant to 366.093(3)(d) and (e), Florida Statutes, as that Section applies to workpaper 9-2/2, consist of information concerning contractual data and pricing information. Disclosure of this information would impair FPL's ability and efforts to enter into similar contracts in the future on favorable terms. This information relates to FPL's competitive interests. This information has been and is treated and maintained as confidential by FPL.

In addition, FPL requests that the information contained in workpaper 46-5, analysis of temporary payroll costs, at page one, column 2, Social Security Numbers, be granted confidential classification in its entirety because it is related to employee information unrelated to compensation, duties, qualifications or responsibilities.

Upon review, it appears that the information discussed above is confidential proprietary business information for the reasons stated by the company. Therefore, FPL's request for confidential classification is reasonable and the above described information is granted confidential treatment for 18 months.

FPL asserts that the material contained in Document Nos. 06105-97 and 06623-97 should be returned to FPL "in accordance with section 366.093(4) of the Florida Statutes as soon as the information is no longer necessary." However, audit workpapers are retained for a period of 25 years by this Commission as part of the audit. FPL may petition for continued confidential classification, if appropriate, at the expiration of the confidential period.

In consideration of the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that Florida Power & Light Company's request for confidential classification for portions of document numbers 06105-97 and 06623-97 is granted as set forth in the body of this Order. It is further

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ORDERED that the information contained in portions of document numbers 06105-97 and .06623-97 is granted confidential classification for 18 months. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 20th day of April, 1998.



SUSAN F. CLARK, Commissioner and
Prehearing Officer

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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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 25-22.0376, 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.