

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Generic investigation of
cost allocation and affiliated
transactions for electric
utilities.

DOCKET NO. 980643-EI
ORDER NO. PSC-98-0998-CFO-EI
ISSUED: July 22, 1998

ORDER GRANTING CONFIDENTIALITY IN PART AND DENYING
CONFIDENTIALITY IN PART (DOCUMENT NO. 05583-98)

Pursuant to Rule 25-22.006, Florida Administrative Code and Section 366.093, Florida Statutes, Tampa Electric Company (TECO) requests confidential classification of portions of the information contained in Document No. 05583-98. TECO asserts that the information contained in Document No. 05583-98 is intended to be and is treated by TECO as private and has not been publicly disclosed. TECO contends that this information is confidential, proprietary, business information pursuant to Section 366.093, Florida Statutes. TECO requests that this information be granted confidential classification for a period of 18 months from the date of the issuance of this Order.

I. TELECOMMUNICATIONS INFORMATION

TECO requests that the information contained on line 6 of page 2 of 3 of TECO's Response to Staff's Revised Data Request Number 4, dated May 19, 1998, is entitled to confidential classification. This information reveals the total amount of telecommunications rental revenues shown. TECO asserts that this information can be used with other information previously filed with the Commission or otherwise publicly disclosed to back into the unit rental price for the facilities being rented. TECO asserts that it is actively engaged in negotiations with two other entities who could make good use of the information in question to the detriment of TECO and its customers. TECO maintains that publicly disclosing this information could reduce the rental revenues TECO is able to receive from these potential additional renters. As such, TECO concludes, the information is proprietary, confidential business information which is entitled to protection from public disclosure under Section 366.093, Florida Statutes.

In its review of this material, Staff discovered that this information can be calculated by backing out from the total all of the other six items listed on page 2 of 3. Thus, it appears that

DOCUMENT NUMBER-DATE

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granting confidential classification to this information is unnecessary and would serve no purpose. The request is, therefore, denied.

II. RESIDUAL REVENUE

TECO also requests confidential classification of the revenues received for the sale of gypsum and sulfuric acid, found on lines 1 and 2 of page 3 of 3 of Staff's Revised Data Request No. 4. TECO asserts that by-product revenues reduce TECO's cost of doing business and, thus, benefit TECO's customers. TECO asserts that it negotiates with third parties for by-product sales. TECO claims that disclosure of the information in question could be used by those third parties, in conjunction with other information previously filed with the Commission on a nonconfidential basis or otherwise publicly disclosed, to develop, or back into, the by-product unit price TECO has negotiated with existing by-product purchasers. TECO asserts that disclosure of this information could lead to lower by-product prices than TECO could negotiate if this information were not made public. As such, TECO asserts that the information in question is proprietary confidential business information which is entitled to protection from public disclosure under Section 366.093, Florida Statutes.

The information concerning the sale of gypsum and sulfuric acid on lines 1 and 2 of page 3 of 3 of Staff's Revised Data Request No. 4 is denied. This information was previously provided as part of Staff's Data Request No. 4, page 1 of 1 dated May 5, 1998, for which confidential classification was neither sought nor granted. However, the information at lines 8, 9, and 10, page 3 of 3, Staff's Revised Data Request No. 4, concerning residual revenue, flyash, bottom ash, slag and brine sales is entitled to confidential classification. This information has not been disclosed. According to TECO, disclosure of this information would lead to lower by-product prices than TECO could negotiate if this information were not made public. As such, TECO asserts that the information in question is proprietary confidential business information which is entitled to protection from public disclosure under Section 366.093, Florida Statutes.

III. RULING

A. Confidentiality

Upon review, it appears that, with the exceptions explained above, the information contained in Document No. 05583-98 is entitled to confidential classification. It appears to be confidential business information "the disclosure of which would impair the efforts of the public utility or its affiliates to contract for good or services on favorable terms." Section 366.093(3)(e), Florida Statutes. The sale of by-products from the coal combustion process of TECO's generating units appears to favorably impact TECO's ratepayers. As such, this information, where it has not already disclosed, is entitled to confidential classification.

B. Declassification

The undisclosed information contained in Document No. 05583-98 for which confidential classification has been sought is entitled to confidential classification for a period of 18 months from the date of the issuance of this Order in accordance with Section 366.093(4), Florida Statutes.

Based on the foregoing, it is therefore

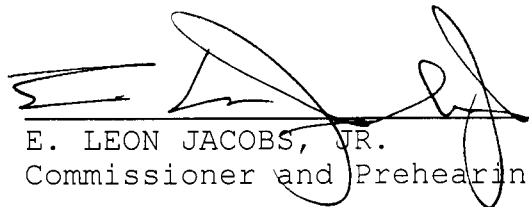
ORDERED by Commissioner E. Leon Jacobs, as Prehearing Officer, that the information contained in Document No. 05583-98, with the exceptions contained in the body of this Order, is granted confidential classification. It is further

ORDERED that pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of issuance of this Order in the absence of a renewed request for confidentiality. 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.

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By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, this 22nd day of July, 1998.



E. LEON JACOBS, JR.
Commissioner and Prehearing Officer

(S E A L)

GAJ

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.

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

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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.

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M E M O R A N D U M

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JULY 21, 1998

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (JAYE) *JD*
RE: DOCKET NO. 980643-EI - GENERIC INVESTIGATION OF COST
ALLOCATION AND AFFILIATED TRANSACTIONS FOR ELECTRIC
UTILITIES

DOCUMENT NO. 05583-98

98 -0998-CFO

Attached is an ORDER GRANTING CONFIDENTIALITY IN PART AND DENYING CONFIDENTIALITY IN PART (DOCUMENT NO. 05583-98), with attachments, to be issued in the above referenced docket. (Number of pages in order - 5)

GAJ/js
Attachment
cc: Division of Auditing and Financial Analysis (Slemkewicz,
Salak)
I:0558398.GAJ

MUST GO TODAY

*Processed
w/attached - 6/11*