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RECORDS AND REPORTING



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January 11, 1999

**VIA HAND DELIVERY**

Ms. Blanca S. Bayó  
Director  
Division of Records and Reporting  
Florida Public Service Commission  
Betty Easley Conference Center  
2540 Shumard Oak Boulevard  
Room 110  
Tallahassee, FL 32399-0850

**Re: Florida Power & Light Company's Request for  
Confidential Classification of Certain Material  
Provided in Connection with the Monthly Fuel Filings;  
Docket No. 980001-EI**

Dear Ms. Bayó:

I enclose and hand you herewith for filing in the above-referenced matter, the original and fifteen (15) copies of Florida Power & Light Company's ("FPL") Request for Confidential Classification. The original includes Attachments A, B, and C. The fifteen copies include only Attachments B and C.

Attachment A contains the confidential information that is the subject of FPL's Request for Confidential Classification. Attachment A is submitted for filing in a separate, sealed folder or carton marked "**ATTACHMENT A - CONFIDENTIAL**". Attachment B is an edited version of Attachment A, in which the information FPL asserts is confidential has been blocked out. Attachment C contains FPL's justification for its request for confidential classification.

In accordance with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information in Attachment A pending disposition of FPL's request for Confidential Classification.

Also included herewith is a computer diskette containing FPL's Request for Confidential Classification and Attachment C (in Word Perfect 5.1).

DOCUMENT NUMBER-DATE

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Blanca S. Bayó, Director  
Division of Records and Reporting  
Florida Public Service Commission  
January 11, 1999  
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Please do not hesitate to contact me should you or your Staff have any questions regarding this filing.

Sincerely,



R. Wade Litchfield

RWL/bjw  
Enclosures

cc: Service List (w/out Attachment A)

## CERTIFICATE OF SERVICE

I, THE UNDERSIGNED COUNSEL, HEREBY CERTIFY that a copy of Florida Power & Light Company's Request for Confidential Classification, without Attachment A, has been served via first class mail, postage prepaid to the parties listed below, this 11<sup>th</sup> day of January, 1999:

Bob Elias, Chief  
Bureau of Electric & Gas  
Division of Legal Services  
Florida Public Service Commission  
Gerald L. Gunter Building - Third Floor  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

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Vicki Gordon Kaufman, Esquire  
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117 S. Gadsden Street  
Tallahassee, FL 32301

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Office of Public Counsel  
111 W. Madison Street  
Room 812  
Tallahassee, FL 32399-1400

Major Gary A. Enders  
United States Air Force  
HQ USAF/ULT, STOP 21  
Tyndall AFB, FL 32403-6001

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Carothers & Proctor  
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Tallahassee, FL 32302

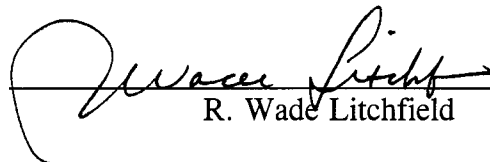
Kenneth Hoffman, Esquire  
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Purnell & Hoffman, P.A.  
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Reedy Creek Utilities, Inc.  
P.O. Box 40  
Lake Buena Vista, FL 32830

Occidental Chemical Corporation  
Energy Group  
P.O. Box 809050  
Dallas, TX 75380-9050

James A. McGee, Esquire  
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St. Petersburg, FL 33733

Ms. Nancy McCann  
Office of Environmental Coordinator  
306 East Jackson Street, 5th Floor  
Tampa, FL 33602

  
R. Wade Litchfield

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power ) DOCKET NO. 980001-EI  
Cost Recovery Clause and Generating )  
Performance Incentive Factor ) FILED: January 11, 1999

**REQUEST FOR CONFIDENTIAL CLASSIFICATION**

NOW, BEFORE THIS COMMISSION, through undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to section 25-22.006 of the Florida Administrative Code and section 366.093 of the Florida Statutes, hereby requests confidential classification of certain information on Florida Public Service Commission ("FPSC" or "Commission") Form 423-1(a) submitted in Docket No. 980001-EI. In support of its Request, FPL states as follows:

1. Petitioner's name and address are:

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

Orders, notices, or other pleadings related to this request should be served on:

William G. Walker, III  
Vice President  
Florida Power & Light Company  
215 South Monroe Street  
Suite 810  
Tallahassee, FL 32301-1859  
(850) 224-7595

R. Wade Litchfield  
Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
(561) 691-7101

DOCUMENT NUMBER-DATE

00376 JAN 11 99

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2. The following attachments are included herewith and made a part hereof:
  - a. Attachment A is the complete and unedited version of FPL's November 1998 Form 423-1(a) which contains certain information that FPL asserts should be accorded confidential treatment. The information in Attachment A for which FPL seeks confidential classification has been highlighted. Attachment A is submitted separately in a sealed envelope marked "**CONFIDENTIAL.**"
  - b. Attachment B is the edited version of Attachment A. All information that FPL asserts is entitled to confidential treatment has been blocked out in Attachment B.
  - c. Attachment C identifies information for which confidential treatment is sought and, with regard to each item or type of information, contains a brief statement that explains the need for confidentiality and refers to the specific statutory basis or bases for the request.
3. Pursuant to section 366.093, FPL seeks confidential protection for the information highlighted in Attachment A. FPL submits that such information is proprietary confidential business information within the meaning of section 366.093(3). Pursuant to section 366.093, such materials are entitled to confidential treatment and are exempt from the disclosure provisions of the public records law. Thus, once the Commission determines that the information in question is proprietary confidential business information, the Commission is not required to engage in any further analysis or review such as weighing the harm of disclosure against the public interest in access to the information.
4. FPL requests that the Commission make the following findings with respect to the No. 6 fuel oil information identified as confidential on Attachments A and C:
  - (a) The No. 6 fuel oil data identified are contractual data; and
  - (b) 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:

- (1) the markets in which FPL, as a buyer, must procure No. 6 fuel oil, terminaling and transportation services, and fuel inspection services are oligopolistic;
- (2) FPL, as a substantial buyer in an oligopolistic market may obtain price concessions not available to other buyers; and
- (3) the disclosure of such concessions likely would end them, resulting in higher prices to FPL.

5. FPL typically seeks confidential treatment of No. 2 and No. 3 fuel oil information; however, because FPL made no purchases through a bidding process of No. 2 or No. 3 fuel oil during October 1998, no such request is necessary with respect to the October 1998 Form 423-1(a).

6. FPL requests that the information for which FPL seeks confidential classification not be declassified until the dates specified on Attachment C in order to allow FPL a reasonable period of time within which to negotiate future contracts. Disclosure prior to the requested dates for declassification would impair FPL's ability to negotiate future contracts.

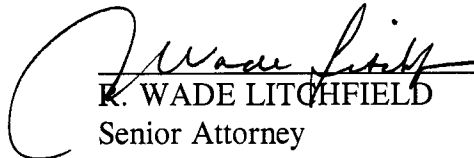
7. The statutory bases and support for FPL's assertion of confidentiality with regard to specific items or types of information are set forth in Attachment C. The information for which confidential classification is sought is intended to be and is treated by FPL as confidential and, to the best of FPL's knowledge and belief, has not been publicly disclosed.

8. Upon a finding by the Commission that the material in Attachment A for which FPL seeks confidential treatment is proprietary confidential business information within the meaning of section 366.093(3), pursuant to section 366.093(4) such materials should not be declassified until the end of the protective period set by the Commission. Further, the

materials should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business.

**WHEREFORE**, for the above and foregoing reasons, including those set forth in the supporting materials included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

  
R. WADE LITCHFIELD  
Senior Attorney  
Florida Authorized Counsel  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
(561) 691-7101

**CONFIDENTIAL**

**ATTACHMENT A**

**FPSC FORM NO. 423-1(a)**

**NOVEMBER 1998**

**FILED SEPARATELY**