

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery clause and generating performance incentive factor.

DOCKET NO. 990001-EI
ORDER NO. PSC-99-0411-CFO-EI
ISSUED: February 25, 1999

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL TREATMENT OF PORTIONS OF ITS SEPTEMBER, 1998 FORM 423 (DOCUMENT NO. 12821-98)

Florida Power & Light Company (FPL), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, has requested specified confidential treatment for its Form 423-1(a) for the month of September, 1998. The confidential information is located in Document No. 12821-98. FPL asserts that disclosure of this information to suppliers would impair the ability of FPL to negotiate future fuel and transportation contracts on favorable terms. As such, FPL contends that the information contained in its September, 1998, 423 Forms constitutes "proprietary confidential business information" entitled to protection from disclosure pursuant to Section 366.093(1) and (3)(d), Florida Statutes.

INFORMATION FOR WHICH CONFIDENTIAL CLASSIFICATION IS SOUGHT

FPL requests that the information contained in the following table be granted confidential classification because this information is contractual information which, if made public "would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms." Section 366.093(3)(d), Florida Statutes.

FPL requests that the confidential information identified above not be disclosed until the identified date of declassification as shown in the following table.

Table 2: Date of Declassification- Form 423-1(a)

LINE(S)	COLUMN	DATE
1-3	H-N, P & Q	04/30/00
4-6	H-N, P & Q	04/30/00
7-19	H-N, P & Q	03/28/99

DOCUMENT NUMBER-DATE

02479 FEB 25 99

FPSC-RECORDS/REPORTING

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FPL alleges the disclosure of pricing information during the contract period or prior to the negotiation of a new contract is reasonably likely to impair FPL's ability to negotiate future contracts.

FPL typically renegotiates its No.6 fuel contracts and fuel-related services contracts prior to the end of such contracts. Additionally, FPL contends that some contracts are not renegotiated until after the end of the current contract period. FPL argues that it is necessary to maintain the confidentiality of the information identified as confidential on FPL's Form 423-1(a) or 423-1(b) for six months after the end of the individual contract period to which the information relates.

With respect to No. 6 fuel oil price information on the Form 423-1(a) or 423-1(b) for oil that was not purchased pursuant to an already existing contract, and the terms of the agreement under which it is purchased are fulfilled upon delivery, FPL requests the price information identified as confidential be kept confidential for a period of six months after the delivery. A six-month period is the minimum amount of time necessary for confidentiality of these types of purchases to allow FPL to utilize its market presence in gaining price concessions during fluctuations in the demand for No. 6 fuel oil. FPL alleges that sooner than six months after completion of the transaction is reasonably likely to impair FPL's ability to negotiate such prices.

CONCLUSION

Upon review, it appears that FPL is entitled to confidential classification of the information contained in Document No. 12821-98 for the periods described under the section entitled Declassification above. FPL has requested confidential classification for fuel pricing and fuel adjustment information. This appears to be contractual and bid information the public disclosure of which "would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms." Section 366.093(3)(d), Florida Statutes. Disclosure of this information could lead to higher fuel prices and, as a result, higher rates.

Therefore, FPL's request for confidential classification of information contained in its September, 1998, Form 423-1(a) Document No. 12821-98 is granted. Good cause having been shown, the information for which confidential classification has been

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granted shall not be declassified until the dates requested by FPL and discussed within the body of this Order.

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 number 12821-98 is granted as set forth in the body of this Order. It is further

ORDERED that the confidential information identified in Florida Power & Light Company's Form 423-1(a) for September, 1998, shall be granted confidential classification until the declassification dates discussed within the body of this Order. 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 25th day of February, 1999.



SUSAN F. CLARK, Commissioner and
Prehearing Officer

(S E A L)

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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.

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.

M E M O R A N D U M

FEBRUARY 25, 1999

RECEIVED 11:30

FEB 25 AM 11:31

RECORDS AND REPORTING

TO : DIVISION OF RECORDS AND REPORTING

FROM : DIVISION OF LEGAL SERVICES (COLLINS) *JRC RVE*

RE : DOCKET NO. 990001-EI - FUEL AND PURCHASED POWER COST RECOVERY CLAUSE AND GENERATING PERFORMANCE INCENTIVE FACTOR (FPL - SEPTEMBER, 1998).

DOCUMENT NO. 12821-98

99-0411-EFD

Attached is an ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL TREATMENT OF ITS SEPTEMBER, 1998 FORM 423 (DOCUMENT NO. 12821-98) to be issued in the above docket. [Number of pages (6)]

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 cc: Division of Electric and Gas
 Division of Auditing and Financial Analysis

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MUST GO TODAY

P/O.