

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for  
determination of need for the  
Osprey Energy Center in Polk  
County by Seminole Electric  
Cooperative and Calpine  
Construction Finance Company,  
L.P.

DOCKET NO. 001748-EC  
ORDER NO. PSC-01-0365-CFO-EC  
ISSUED: February 12, 2001

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION AND  
MOTION FOR PROTECTIVE ORDER (DOCUMENT NO. 01316-01)

On January 30, 2001, Seminole Electric Cooperative, Inc. (Seminole) filed its Request for Confidential Classification and Motion for Permanent Protective Order for information contained in Document No. 01316-01. This two-page document is Seminole's Late-Filed Exhibit #1 to the deposition of witness Garl Zimmerman held on January 25, 2001. This document contains the detailed results of Seminole's cost-effectiveness analysis of generating alternatives submitted in response to Seminole's Request for Proposals (RFP). The project proposed by Calpine Construction Finance Company (Calpine) is included in this analysis.

Seminole asserts that Document No. 01316-01 contains proprietary, confidential business information, as defined in Section 366.093, Florida Statutes. Seminole describes the information for which confidential classification is sought as:

The numerical values, shown in spreadsheet form, which comprise the basis for the calculation of the relative costs to Seminole of responses to an RFP. These values underlie the ranking by dollar amount of the top bidders based on savings in present value revenue requirements, shown on Table 11 of Volume I of the Revised Exhibits of the Amended Joint Petition (page 29, lines 4-7).

Seminole states that bidders responding to Seminole's RFP consider their pricing proposals to be confidential and competitively sensitive. Seminole assured these bidders that their responses would be treated as confidential. Seminole asserts that disclosure

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of this information will impair its ability to engage in meaningful solicitations in the future.

Pursuant to Section 366.093, Florida Statutes, a utility requesting confidential classification must demonstrate that the information is proprietary confidential business information.

Proprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public.

Upon review, the information contained in the above-reference document appears to be proprietary, confidential business information, disclosure of which, would cause harm to the ratepayers or to Seminole's business operations. This information shall remain confidential for a period of eighteen (18) months, at which time Seminole can renew its request for confidentiality. Furthermore, the Motion of Permanent Protective Order is granted and shall remain in effect for a period of eighteen months. The requirements set forth in Order PSC-00-2413-PCO-EC, issued December 18, 2000, are appropriate, which stated "[a]ny information provided pursuant to the discovery request for which proprietary confidential business information status is requested shall be treated as confidential by the Commission and the parties." As prescribed by Section 366.093(2), Florida Statutes, the subject information shall be returned to Seminole if not entered into the record.

Based on the foregoing, it is

ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that the Request for Confidential Classification, for information contained in Document No. 01316-01, is hereby granted. It is further

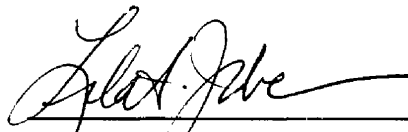
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ORDERED that the Motion for Permanent Protective Order, for information contained in Document No. 01316-01, is hereby granted, for a period of eighteen (18) months from the date of issuance of this Order. It is further

ORDERED that pursuant to Rule 25-22.006, Florida Administrative Code, the information granted confidential classification by this Order shall be treated as confidential for a period of eighteen (18) months from the date of issuance 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 Lila A. Jaber, as Prehearing Officer, this 12th day of February, 2001.



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LILA A. JABER  
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

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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.

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.