



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: February 11, 2002  
 TO: Adrienne Vining, Office of the General Counsel  
 FROM: David P. Wheeler, Division of Economic Regulation *DW ca*  
 RE: Docket No. 000824-EI, Review of Florida Power Corporation's Earnings, Including Effects of Proposed Acquisition of Florida Power Corporation by Carolina Power & Light

**Recommendation concerning Florida Industrial Power Users Group's request for confidential classification and motion for protective order**

On January 18, 2002, Florida Industrial Power Users Group (FIPUG) filed a Request for Confidential Classification (request) of certain information contained in specified portions of the Intervenor Testimony of FIPUG witness Thomas J. Regan. The confidential information is contained in Document No. 01548-02.

FIPUG asserts that this information is entitled to confidential classification pursuant to Section 366.093(3), Florida Statutes, as confidential business information, the public disclosure of which would cause harm to a company's business operations. The pages and lines for which FIPUG seeks confidential classification are contained in the table below.

Page	Line(s)
2	14
2	15
3	7
3	8
3	11
3	17
7	9 through 11

AUS \_\_\_\_\_  
 CAF \_\_\_\_\_  
 CMP \_\_\_\_\_  
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FPSC-COMMISSION CLERK

FIPUG witness Regan is President of the PCS Phosphate division of PCS Corporation, which operates a manufacturing facility in FPC's service territory. The purpose of his testimony is to describe the company's operations, and to describe the effect on those operations of FPC's proposed closure of the IS-1 Interruptible rate schedule.

The information for which FIPUG requests confidential classification includes data regarding the number of employees at the PCS Phosphate facility, the annual power bill of the facility, and the nature of its electrical load. Staff has reviewed the information, and believes that it meets the requirements for confidential classification as contained in Section 366.093(3), Florida Statutes. Disclosure of such information to competitors could result in damage to PCS's business operations. Staff therefore recommends that it be granted confidential classification.