

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Florida  
Power Corporation for approval  
of negotiated qualifying  
facility contract with Timber  
Energy Resources, Inc.

DOCKET NO. 020558-EQ  
ORDER NO. PSC-02-1431-CFO-EQ  
ISSUED: October 18, 2002

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION

On June 24, 2002, Florida Power Corporation (FPC), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, filed a Request for Confidential Classification for certain information contained in Document No. 06473-02. The information in question relates to FPC's Petition for approval of a negotiated qualifying facility contract with Timber Energy Resources, Inc. (Timber). The information identified by FPC as confidential are the capacity and energy payments made by FPC to Timber Energy (contained on page 6 of Exhibit A to the document) and the annual cost savings to FPC as a result of the contract (contained in Exhibit B to the document).

In support of its request, FPC asserts that the information is entitled to confidential classification pursuant to Section 366.093(3)(d) and (e), Florida Statutes. FPC asserts that the information is intended to be and is treated by FPC as private and has not been disclosed. FPC contends that disclosure of this information will impair its ability to negotiate similar contracts with owners of other qualifying facilities on favorable terms, to the detriment of FPC's customers. FPC is concerned that potential and existing qualifying facility suppliers could gain knowledge of the contractual and pricing terms of the Timber Energy contract.

We have reviewed the information supplied by FPC, and have determined that it adequately and sufficiently identifies the specific information for which FPC requests confidentiality, in compliance with Rule 25-22.006, Florida Administrative Code. Upon review, it appears that the information contained in the Appendices A and B contains proprietary, confidential information which, if disclosed, would cause irreparable harm to the business interests of FPC. Accordingly, FPC's request for confidential classification of Document No. 06473-02 is granted.

DOCUMENT NUMBER-DATE  
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Section 366.093(4), Florida Statutes, provides that any finding by the Commission that records contain proprietary confidential business information shall be effective for a period not to exceed 18 months, unless the Commission finds good cause to specify a longer period. FPC did not specify a time period in its request. Therefore, this information shall be granted confidential classification for a period of 18 months from the date of issuance of this Order.

Based on the foregoing, it is

ORDERED by Commissioner Michael A. Palecki, as Prehearing Officer, that Florida Power Corporation's Request for Confidential Classification is granted as set forth in the body of this Order. It is further

ORDERED that pursuant to Section 366.093(4), 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 pursuant to Section 366.093(4). 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 Michael A. Palecki, as Prehearing Officer, this 18th Day of October, 2002.



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MICHAEL A. PALECKI  
Commissioner and Prehearing Officer

( S E A L )

JSB

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.

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 the Commission Clerk and Administrative Services, 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.