

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to determine
need for an electrical power
plant in Martin County by
Florida Power & Light Company.

DOCKET NO. 020262-EI

In re: Petition to determine
need for an electrical power
plant in Manatee County by
Florida Power & Light Company.

DOCKET NO. 020263-EI
ORDER NO. PSC-03-0369-CFO-EI
ISSUED: March 18, 2003

ORDER GRANTING CONFIDENTIAL CLASSIFICATION
TO COMPOSITE HEARING EXHIBIT NO. 36

On October 10, 2002, during the hearing in these consolidated dockets, Commission staff's Confidential Composite Exhibit No. 36 ("Exhibit 36") was admitted into the record. Exhibit 36 contained five confidential documents, identified by the Bates Stamp Number on the cover page of each document: 0020146; 00201423; 00201378; 00115909; and 00115925. On September 6, 2002, Florida Power & Light Company ("FPL") filed a Request for Confidential Classification of portions of the documents identified by Nos. 00115909 and 00115925; this Request was granted on September 27, 2002 by Order No. PSC-02-1313-CFO-EI.

The documents identified by Nos. 0020146, 00201423, and 00201378 were provided to staff as discovery responses in Docket No. 001148-EI, Review of the Retail Rates of Florida Power & Light Company, in November, 2001. At the time the documents were provided, they were assigned document No. 15004-01 by our Division of the Commission Clerk and Administrative Services. A Request for Confidential Classification for portions of these three documents was filed on December 10, 2001.

In support of its request for confidential classification of Document No. 15004-01, FPL asserts that the highlighted information contained therein, is entitled to confidential classification pursuant to Section 366.093(3)(e), Florida Statutes, which provides that information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of

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the information, is proprietary, confidential business information. FPL states that this information consists of rating agency presentations made by FPL to various investment firms. FPL asserts that the public disclosure of this information would cause irreparable harm to the competitive interests of FPL, as the revelation of detailed financial forecasts would impair FPL's competitive business interests by revealing competitive financial and generation strategies. FPL also asserts that this information is intended to be, and has been treated by FPL, as private and confidential, and has not been publicly disclosed.

FPL asserts that the following specific information is confidential:

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00201399	2, 3, 6, 8-10, 12, 13, 17-22
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00201484	5-27
00201485	6-19
00201489	3-13
00201491	12, 13
00201493	3, 4
00201498	2, 8-12, 14, 19, 20
00201501	5, 7-9, 11-14

Upon review, it appears that the information for which confidential classification is sought contains proprietary confidential business information which, if disclosed, would impair the competitive business of FPL. Accordingly, I hereby grant FPL's request for confidential classification for the information specifically identified above that is contained in Document No. 15004-01.

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.

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not to exceed 18 months, unless the Commission finds good cause to specify a longer period. FPL requested that the documents be returned to FPL at the conclusion of Docket No. 001148-EI. However, as the documents have been introduced into evidence in Docket Nos. 020262-EI and 020263-EI, they cannot be returned to FPL. Due to the sensitive nature of the information, and the fact that they contain forecasts going forward several years, I find it is appropriate that the information in Document No. 15004-01, granted confidentiality above, shall remain confidential for a period of 36 months from the date of issuance of this Order.


Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification is granted as set forth in the body of this Order. It is further

ORDERED that the information described within the body of this Order and contained in Document No. 15004-01 is granted confidential classification for a period of thirty-six (36) months from the date of this Order, in the absence of a renewed request for confidentiality pursuant to Section 366.093(4), Florida Statutes. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the declassification date of this information.

By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 18th day of March, 2003.


J. TERRY DEASON
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.

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; or (2) 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.