

State of Florida



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Public Service Commission

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COMMISSION
CLERK

DATE: September 23, 2004

TO: Adrienne Vining, Senior Attorney, General Counsel

FROM: Ralph J. VonFossen, Economic Analyst, Division of Economic Regulation *RVF*

RE: Docket No. 040001 - EI, Fuel and Purchased Power Cost Recovery Clause, Request for Confidentiality of Document No. 04667-04

On April 20, 2004, Florida Power and Light Company (FPL) filed its request for confidential classification for document No. 04667-04. This document is Exhibit No. GJY-1 to the testimony of Mr. Gerard J. Yupp. The utility has requested confidentiality be granted for a period of 18 months.

FPL seeks confidential protection for this Fuel Hedging Information claiming it comprises trade secrets of FPL, which allows FPL to purchase and sell fuel and electric power on favorable terms for FPL and its customers. The disclosure of that trade-secret information would provide other participants in the fuel and electric power markets insight into FPL's marketing and trading practices that would allow them to anticipate FPL's marketing and trading decisions and/or impair FPL's ability to negotiate to the detriment of FPL and its customers (Section 366.093(3)(a), Florida Statute (2003)). The Fuel Hedging Information also relates to bids and other contractual data the disclosure of which would impair FPL's ability to contract for fuel and electric power on favorable terms (Section 366.093(3)(d), Florida Statute (2003)). FPL submits that the highlighted Fuel Hedging Information is proprietary confidential business information within the meaning of Section 366.093(3) Florida Statute. Pursuant to Section 366.093, Florida Statute, such information is entitled to confidential treatment and is exempt from the disclosure provisions of the public records law.

CMP _____ Staff has reviewed this document and recommends that FPL's confidentiality request be approved with the following exceptions. Confidentially should be denied for the portions of the document as detailed below.

- COM _____
- CTR _____ Page 1 – column F, row 10a (This row was not numbered, 10a was designated by staff.)
- ECR _____ Pages 2, 4, 5, 7, 8, 10, 11, 13, 14, 16, 17, 19, 20, 22, 23, 25, 26, 28, 29, 31, 32, 34, 35, 37, 38, – column F, row 11
- GCL _____ Pages 3, 39 – columns E, F, row 11
- OPC _____ Page 21 – column E, row 10a (This row was not numbered, 10a was designated by staff.)
- MMS _____ Page 24, 27, 30, 33, 36 – column E, line 11

RCA _____

SCR _____

SEC 1

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DOCUMENT NUMBER-DATE

10402 SEP 24 3

FPSC-COMMISSION CLERK

The above designations reference monthly transaction totals and in no way reveal any information regarding contractual data or information concerning individual transactions, trade secrets, marketing or trading practices. For these reasons we recommend that confidentiality be denied for the above page and line references.

RVF:kb

Cc: Commission Clerk