

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for authority to recover prudently incurred storm restoration costs related to 2004 storm season that exceed storm reserve balance, by Florida Power & Light Company.

DOCKET NO. 041291-EI
ORDER NO. PSC-05-0712-CFO-EI
ISSUED: June 30, 2005

ORDER GRANTING CONFIDENTIAL CLASSIFICATION

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company (FPL) filed a request for confidential classification for certain materials prepared during the storm cost recovery audit for the year ended December 31, 2004, contained in Documents Nos. 01560-05, 01561-05, 01563-05 and 02236-05. FPL requests confidential classification of various workpapers produced during the audit. FPL asserts that this information is intended to be, and is treated by FPL as proprietary and has not been disclosed. FPL requests that this information be granted confidential classification for a period of 18 months from the date of the issuance of this Order pursuant to Section 366.093(4), Florida Statutes.

Section 366.093(1), Florida Statutes, provides that "any records received by the commission which are shown and found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from [the Public Records Act]." Section 366.093(3), Florida Statutes, defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Section 366.093(3), Florida Statutes, provides that proprietary confidential business information includes, but is not limited to "trade secrets" (subsection a); "[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms" (subsection d); and "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information" (subsection e).

FPL seeks confidential classification for contractual data such as pricing and other terms. FPL asserts that disclosure of sensitive contractual data such as prices and other terms would impair the efforts of FPL and its affiliates to contract on favorable terms. In addition, FPL argues that the release of this pricing and other contractual data would impair the business interests of involved vendors when bidding on future FPL and non FPL contracts pursuant to Section 366.093(3)(e), Florida Statutes, which protects information relating to competitive interests. FPL asserts that the sensitive contractual and competitive information, if disclosed, would impair the efforts of the utility or its affiliates to contract for goods or services on favorable terms pursuant to Section 366.093(3)(d), Florida Statutes, which protects bids or contractual data.

DOCUMENT NUMBER-DATE

06192 JUN 30 05

FPSC-COMMISSION CLERK

FPL requests confidential classification for the information listed in the following table:

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Documents 01560-05 and 02236-05			
43-2	1	Cols A, N, 38, 41	Sensitive contractual and competitive business information
43-2	2	Col K 20	Sensitive contractual and competitive business information
43-2/1	1	Col C, 13-16, 21-24, 29-32; Cols D, I, 13-17, 21-25, 29-34; Col F, 13-16, 21-24, 29-32, 35-36; Col G, 13-17, 21-25, 29-34, 36-38; Col H, 13-17, 21-25, 29-34;	Sensitive contractual and competitive business information
43-3/1-1	1	Col C, 6	Sensitive contractual and competitive business information
43-3/1-1	3	Col C, 62	Sensitive contractual and competitive business information
Documents 01561-05 and 02236-05			
44-5/2-1	2	Col B, 25	Sensitive contractual and competitive business information
44-8	1	15, 41, 43, 47	Sensitive contractual and competitive business information
44-8	2	9, 13, 15, 18, 20	Sensitive contractual and competitive business information
44-8/1-3	1	Col B, 18-20; Col C, 9	Sensitive contractual and competitive business information
44-8/1-4	1	Cols C-D, 11, 23, 35, 47	Sensitive contractual and competitive business information
44-8/1-5	1	Col A, 6, 23, 26, 31	Sensitive contractual and competitive business information
44-8/2	2	Col E, 24-25	Sensitive contractual and competitive business information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Documents 01561-05 and 02236-05			
44-8/2-1	1	Col C, 11-12	Sensitive contractual and competitive business information
44-8/2-1	7	Col C, 13-16; Col F, 19	Sensitive contractual and competitive business information
44-8/2-2	1	Col C, 21, 39 Col D, 7, 13-14, 21, 23, 27, 39, 43, 46	Sensitive contractual and competitive business information
44-8/2-2	2	Cols C-D, 5, 13, 21	Sensitive contractual and competitive business information
44-8/2-2	3	Col I, 2, 4, 7; Col K, 2, 10	Sensitive contractual and competitive business information
44-8/3-1	1	Col C, 14-19	Sensitive contractual and competitive business information
44-8/3-1	6	Col C, 13-16	Sensitive contractual and competitive business information
44-8/3-2	1	Col I, 2, 4, 6, 8; Col K, 2	Sensitive contractual and competitive business information
44-8/3-2	2	Col C, 14-16	Sensitive contractual and competitive business information
44-8/3-2	3	Col C, 5-8	Sensitive contractual and competitive business information
44-8/3-3	1	Cols N-O, 17-18; Col P, 17-22	Sensitive contractual and competitive business information
44-10/1	7	Cols H-J, 6-12, 15-21	Sensitive contractual and competitive business information
Documents 01563-05 and 02236-05			
52-5/2	1	Col A, 10-12, 35-37; Col B, 10, 12-13, 23-25, 36-41; Cols C, F, 12-13, 24-25, 37-41; Col D, 30	Sensitive contractual and competitive business information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Documents 01563-05 and 02236-05			
52-5/2	2	Col A, 6-8; Col B, 7, 9-14; Cols C, F, 10-14; Col D, 4, 16	Sensitive contractual and competitive business information
52-5/3	1	Cols B-D, 4-8; Col E, 7; Cols G-I, 4-8; Cols K-L, 4-9; Col M, 7, 9	Sensitive contractual and competitive business information
52-7/1-1	2	Col D, 11-16, 25; Col F, 11-16, 25-26	Sensitive contractual and competitive business information
52-7/1-1	3	Cols D-E, 14; Cols F-G, 25	Sensitive contractual and competitive business information
52-7/1-1	4	Cols B, D, F, 20, 22; Cols C, E, 20, 22, 30; Cols G-H, 10, 14-15, 20, 22-23; Col I, 8, 13, 20, 22-23; Col J, L, 8, 13, 17, 20; Col K, 8, 13, 17, 20, 24	Sensitive contractual and competitive business information

WORKPAPER	PAGE(S)	LINE(S)	TYPE OF INFORMATION
Documents 01563-05 and 02236-05			
52-7/1-1	8	Col C, 7-58; Cols E-F, 7-58, 60; Col G, 60; Col I, 60-61	Sensitive contractual and competitive business information
52-7/1-2	5	Col F, 2	Sensitive contractual and competitive business information

CONCLUSION

Upon review, it appears that the above-referenced information satisfies the criteria set forth in Section 366.093(3), Florida Statutes, for classification as proprietary confidential business information and shall be treated as confidential. In particular, the information constitutes “[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the company to contract for services on favorable terms” and “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Thus, this information is granted confidential classification.

Pursuant to Section 366.093(4), Florida Statutes, the information for which confidential classification is granted herein shall remain protected from disclosure for a period of 18 months from the date of issuance of this order. At the conclusion of the 18 month period, the confidential information will no longer be exempt from Section 119.07(1), Florida Statutes, unless FPL or another affected person shows, and the Commission finds, that the information continues to contain proprietary confidential business information.

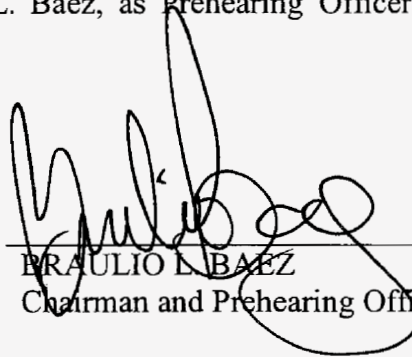
It is therefore,

ORDERED by Chairman Braulio L. Baez, as Prehearing Officer, that Florida Power & Light Company’s request for confidential classification of portions of Documents Nos. 01560-05, 01561-05, 01563-05 and 02236-05 is granted. It is further

ORDERED that the information for which confidential classification has been requested will be granted confidential classification for a period of 18 months from the date of the issuance of this Order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Chairman Braulio L. Baez, as Prehearing Officer, this 30th day of
June, 2005.



BRAULIO L. BAEZ
Chairman 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, 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.