

State of Florida



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DATE: March 29, 2006

TO: Katherine Fleming, Office of the General Counsel

FROM: Michael Haff, Division of Economic Regulation *MHA TRH*

RE: Docket No. 060225-EI, Petition for Determination of Need for West County Units 1 and 2 by Florida Power & Light Company - Confidentiality Request - Document No. 02158-06

On March 14, 2006, FPL filed a Request for Confidential Classification of Document No. 02158-06. This document consists of Appendices C-1 through C-5 to its Need Determination Study. FPL has treated the material as private and confidential and has not publicly disclosed its contents.

Appendix C-1 is a summary of the five proposals submitted to FPL in response to its 2005 Request for Proposals (RFP). This appendix is the input sheet used by FPL in its economic evaluation of the proposals. Appendices C-2 through C-4 are computer input and output reports which contain detailed confidential FPL unit operating data, as well as confidential bid information submitted by respondents to FPL's RFP. Appendix C-5 is a summary of FPL's net equity adjustment calculations for the RFP proposals.

Much of the material contained in Document No. 02158-06 is the proprietary business information of entities that submitted bids in response to FPL's RFP. FPL asserts that it has a duty to keep the information confidential, and that disclosure would significantly impair the competitive business interests of the RFP respondents. Further, public disclosure could impair FPL's ability to obtain competitive proposals in future RFPs. Section 366.093(3)(d), Florida Statutes, protects this type of information against disclosure.

The remainder of the material contained in Document No. 02158-06 is detailed FPL unit performance data. Disclosure would impair FPL's competitive business interests by adversely affecting FPL's ability to make off-system sales which benefit FPL's customers. Section 366.093(3)(e), Florida Statutes, protects this type of information against disclosure.

Staff has reviewed Document No. 02158-06 and believes that the information is, in fact, what FPL asserts it to be, that FPL has provided enough details to perform a reasoned analysis of its Request for Confidential Classification, and that FPL and its ratepayers might be harmed if the information is publicly disclosed. As a result, staff recommends that this information be afforded confidential treatment under Sections 366.093(3)(d) and (e), Florida Statutes for a period of eighteen months.

cc: ✓ Division of the Commission Clerk and Administrative Services

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STATE OF FLORIDA



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ADMINISTRATIVE SERVICES
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DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

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

DATE: March 14, 2006

TO: _____ OFFICE OF THE GENERAL COUNSEL
_____ DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT
~~_____ XX DIVISION OF ECONOMIC REGULATION~~
_____ DIVISION OF REGULATORY COMPLIANCE AND
CONSUMER ASSISTANCE

FROM: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCUMENT NO(s): 02158-06

DESCRIPTION: FPL (Litchfield) - (CONFIDENTIAL) Appendices C-1 through C-5 to need study.

SOURCE: Florida Power & Light Company

DOCKET NO(S): 060225-EI

The above material was received with a request for confidential classification. Please prepare a recommendation for the attorney assigned to the case by completing the section below and forwarding a copy of this memorandum, together with a brief memorandum supporting your recommendation, to the attorney. Copies of your recommendation should also be provided to the Division of the Commission Clerk and Administrative Services, Bureau of Records and Hearing Services, and to the Office of General Counsel.

Please read each of the following and check if applicable.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
 - (a) Trade secrets;
 - (b) Internal auditing controls and reports of internal auditors;
 - (c) Security measures, systems, or procedures;
 - (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company to contract for services on favorable terms;
 - (e) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
 - (f) Tax returns or tax-related information;
 - (g) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.
- The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
- The material appears not to be confidential in nature.
- The material is a periodic or recurring filing and each filing contains confidential information.

Response prepared by: Michael S. Hoff

Date: 3/29/2006

cc: GCL FLL
 CMP CCA
 ECR RCA