

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for determination of need for proposed Stanton Energy Center Combined Cycle Unit B electrical power plant in Orange County, by Orlando Utilities Commission.

DOCKET NO. 060155-EM
ORDER NO. PSC-06-0319-CFO-EM
ISSUED: April 20, 2006

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 01531-06)

On February 22, 2006, Orlando Utilities Commission (OUC) filed a Petition to determine the need for Stanton Energy Center Unit B, a proposed electrical power plant to be constructed at the existing Stanton Energy Center site in Orange County. The proposed plant is a joint project with Southern Power Company-Orlando Gasification LLC (Southern Power Company-OG) that will operate primarily on coal derived synthetic gas, but will also have the ability to fire natural gas. The project has received a \$235 million cost-sharing grant from the United States Department Of Energy for the design, construction and demonstration of the gasifier. OUC filed supporting documentation, entitled "Need for Power Application," for its petition pursuant to section 403.519, Florida Statutes, and Rules 25-22.080 and 25-22.081, Florida Administrative Code.

At the time OUC filed the Petition and supporting documentation, Southern Power Company-OG filed a request for confidential classification of certain information contained in OUC's Need for Power Application that relates to pricing, contractual information, and other aspects of Southern Power Company-OG's coal gasifier. Southern Power Company-OG stated that the information specifically identified is contractual pricing and availability information entitled to confidential treatment under the provisions of section 366.093, Florida Statutes. Southern Power Company-OG asserted that public disclosure of the information would harm the competitive businesses of Southern Power Company-OG, and its Southern Company affiliates, particularly their ability to negotiate similar contracts on reasonable terms.

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, also provides that proprietary confidential business information includes, among other things, "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." The table below identifies the parts of OUC's Need for Power Application for which confidential treatment is requested.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

PAGE	LOCATION	DESCRIPTION	STATUTORY BASIS
1-2	lines 18, 19	pricing information	366.093(3)(e), F.S.
6-3	lines 23, 26, 29	pricing information	366.093(3)(e), F.S.
7-18	lines 22, 30, 32	pricing information	366.093(3)(e), F.S.
7-20	lines 6, 7, 11, 12, 14, table 7-5	pricing information	366.093(3)(e), F.S.
7-21	lines 2, 4, 8, 10	pricing information	366.093(3)(e), F.S.
7-21	lines 28, 30, 32	pricing information	366.093(3)(e), F.S.
7-22	lines 10, 11	pricing information	366.093(3)(e), F.S.
7-22	lines 30, 32, 35	availability information	366.093(3)(e), F.S.
7-23	Table 7-6	pricing information	366.093(3)(e), F.S.
7-24	line 6, Table 7-8	pricing/availability information	366.093(3)(e), F.S.
10-4	lines 8, 12, 13, 15	pricing information	366.093(3)(e), F.S.
10-4	lines 23, 24, 28, 36, 37	pricing information	366.093(3)(e), F.S.
10-5	Table 10-1	pricing information	366.093(3)(e), F.S.
10-5	line 5	pricing information	366.093(3)(e), F.S.
10-6	lines 1, 3	availability information	366.093(3)(e), F.S.
10-9	Table 10-2	pricing information	366.093(3)(e), F.S.
12-12	Table 12-3	pricing information	366.093(3)(e), F.S.
16-1	line 5	pricing information	366.093(3)(e), F.S.
Appendix C-2	Table C-1	pricing information	366.093(3)(e), F.S.
Appendix C-4	Table C-3	pricing information	366.093(3)(e), F.S.
Appendix C-6	Table C-5	pricing information	366.093(3)(e), F.S.
Appendix C-8	Table C-7	pricing information	366.093(3)(e), F.S.
Appendix C-10	Table C-9	pricing information	366.093(3)(e), F.S.
Appendix C-12	Table C-11	pricing information	366.093(3)(e), F.S.
Appendix C-13	Table C-12	pricing information	366.093(3)(e), F.S.
Appendix C-15	Table C-14	pricing information	366.093(3)(e), F.S.
Appendix C-17	Table C-16	pricing information	366.093(3)(e), F.S.
Appendix C-19	Table C-18	pricing information	366.093(3)(e), F.S.
Appendix C-21	Table C-20	pricing information	366.093(3)(e), F.S.

Upon review, it appears that the above referenced information contained in OUC's Need for Power Application satisfies the criteria for classification as proprietary confidential business information and thus shall be treated as confidential. Specifically, the information constitutes "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information," as set forth in section 366.093(3)(e), Florida Statutes. This information shall be 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 OUC, Southern Power Company-OG, or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

Based on the foregoing, it is

ORDERED by Commissioner Matthew M. Carter II, as Prehearing Officer, that the Southern Company's Request for Confidential Classification of Document No. 01531-06 is granted. It is further

ORDERED that the information in Document No. 01531-06 for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of issuance of this order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein. It is further

ORDERED that pursuant to Section 366.093, 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. 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 Matthew M. Carter II, as Prehearing Officer, this 20th day of April, 2006.



MATTHEW M. CARTER II
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, 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.