

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition to recover natural gas storage project costs through fuel cost recovery clause, by Florida Power & Light Company.

DOCKET NO. 060362-EI
ORDER NO. PSC-06-0769-CFO-EI
ISSUED: September 13, 2006

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 05877-06 [x-ref Doc. No's 05129-06 and 05273-06])

On June 30, 2006, 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 of portions of the late-filed data requests (Nos. 2, 3, 4, and 7), provided to the Florida Public Service Commission at the conclusion of the informal meeting held on May 30, 2006, concerning FPL's petition to recover costs through the fuel clause for natural gas storage. (Document No. 05877-06 [x-ref. Doc No's 05129-06 and 05273-06]).

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, "[s]ecurity measures, systems, or procedures" (subsection c), "[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 contends that portions of the late-filed data requests (Nos. 2, 3, 4, and 7) fall within these categories and thus constitute proprietary confidential business information entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. FPL states that this information is intended to be and is treated by FPL as private and has not been publicly disclosed.

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

Data Request No(s).	Description	Line No./ Page No.	Florida Statute 366.093(3) Subsection	Affiant
2 & 3	Storage Costs	Lines 6-15, 19, 20	(d), (e)	G. Yupp
4	Storage Facilities	Pages 2-4	(c)	G. Yupp
7	Solicitation	Pages 2-3	(d), (e)	G. Yupp

DOCUMENT NUMBER-DATE

08354 SEP 13 06

FPSC-COMMISSION CLERK

FPL states that the redacted information described in the Affidavit of Gerard Yupp regarding the gas storage project, such as pricing and other terms, payment records, and vendor and supplier rates, is proprietary confidential business information, the disclosure of which would impair the utility's ability to contract for gas storage on favorable terms for FPL and its customers. FPL asserts that the information also relates to the competitive interests of FPL and the suppliers from whom FPL purchases, the disclosure of which would impair the suppliers competitive businesses. FPL further asserts that portions of the documents and materials contain or relate to the suppliers' security measures, systems, and/or procedures concerning the gas storage project. FPL states that this information is intended to be and is treated by FPL and its suppliers as private and has not been publicly disclosed.

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, thus, shall be treated as confidential. The information constitutes "[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" or "[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 records continue to contain proprietary confidential business information.


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 of portions of Document No. 05877-06 is granted. It is further

ORDERED that the information in Document No. 05877-06 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.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 13th day of September, 2006.



J. TERRY DEASON
Commissioner and Prehearing Officer

(S E A L)

LCB/pz

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.