

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery
clause with generating performance incentive
factor.

DOCKET NO. 060001-EI
ORDER NO. PSC-06-0833-CFO-EI
ISSUED: October 6, 2006

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S FIRST REQUEST
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF PORTIONS OF CERTAIN
DOCUMENTS RESPONSIVE TO STAFF'S THIRD REQUEST FOR PRODUCTION OF
DOCUMENTS (DOCUMENT NOS. 13244-04 AND 00251-05)

This Order addresses the continuation of confidential treatment of portions of certain documents responsive to Requests 10-12 of Staff's Third Request for Production of Documents in the 2005 fuel docket (Document Nos. 13244-04 and 00251-05) referred to hereafter as "confidential discovery responses." By Order No. PSC-05-0201-CFO-EI, issued Feb. 21, 2005, in Docket No. 050001, In re: Fuel and purchased power cost recovery clause with generating performance incentive factor, the Commission initially granted confidential classification for the confidential discovery responses. On August 21, 2006, Florida Power & Light Company (FPL) requested that confidential treatment be extended for the confidential discovery responses contained in Document Nos. 13244-04 and 00251-05. The documents were originally granted confidentiality for 18 months, and FPL now requests that confidentiality be extended for an additional 18 months.

In its request, FPL states that the period of confidential classification granted by Order No. PSC-05-0201-CFO-EI will soon expire, and that all of the information covered by that Order warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093, Florida Statutes. FPL asserts that the information is proprietary confidential information as it constitutes "information 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;" and "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information."

FPL states that it seeks confidential classification for the confidential discovery responses contained in FPL's responses to Requests 10-12 of Staff's Third Request for Production of Documents because it contains confidential information regarding bids and other contractual data, the disclosure of which would impair FPL's ability to contract for fuel on favorable terms. FPL asserts that this information also relates to the competitive interest of FPL and of vendors from whom FPL purchases or has considered purchasing fuel, the disclosure of which would impair the utility's competitive businesses. FPL states that this information is intended to be and is treated by FPL as private and has not been publicly disclosed. Nothing has changed since the issuance of Order No. PSC-05-0201-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate, according to FPL.

As a result, FPL requests that the confidential information identified in Order No. PSC-05-0201-CFO-EI be accorded confidential classification for an additional 18 month period.

DOCUMENT NUMBER-DATE

09256 OCT-6 06

FPSC-COMMISSION CLERK

Upon review, it appears that the confidential discovery responses contained in FPL's responses to Requests 10-12 of Staff's Third Request for Production of Documents, which were the subject of Order No. PSC-05-0201-CFO-EI, dated February 21, 2005, continue to be proprietary confidential business information within the meaning of Section 366.093, Florida Statutes, to the same extent confidentiality was granted by this Commission's prior order. The information constitutes "information 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 "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." Therefore, FPL's request for extension of confidential treatment of confidential discovery responses contained in FPL's responses to Requests 10-12 of Staff's Third Request for Production of Documents (Documents Nos. 13244-04 and 00251-05) is granted.

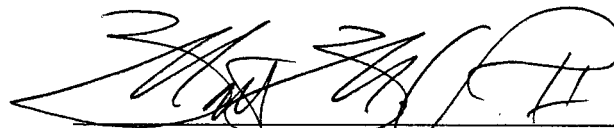
Section 366.093(4), Florida Statutes, provides that any finding by the Commission that records contain proprietary confidential business information shall be effective for a period not to exceed 18 months, absent good cause shown. Accordingly, the redacted information identified in Document Nos. 13244-04 and 00251-05 shall be granted confidential classification for a period of 18 months from the issuance of this Order.

Based on the foregoing, it is

ORDERED by Commissioner Matthew M. Carter II, as Prehearing Officer, that the information described in the body of this Order and contained in Document Nos. 13244-04 and 00251-05 shall be granted confidential classification for a period of 18 months from the issuance of this Order. It is further

ORDERED that this Order will be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Matthew M. Carter II, as Prehearing Officer, this 6th day of October, 2006.



MATTHEW M. CARTER II
Commissioner and Prehearing Officer

(SEAL)

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.