

Floridn Power & Light Company, P. O. Box 14000, Juno Beach, FL 33408-0429 Law Department

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RECORDS AND

Writer's Direct Dial: (561) 691-7101

August 14, 1998

VIA HAND DELIVERY

Ms. Blanca S. Bayó Director Division of Records and Reporting Florida Public Service Commission Betty Easley Conference Center 2540 Shumard Oak Boulevard Room 110 Tallahassee, FL 32399-0850

Re: Florida Power & Light Company's Request for Confidential Classification of Certain Material Provided in Connection with the Monthly Fuel Filings Docket No. 980001-EI

Dear Ms. Bayó:

I enclose and hand you herewith for filing in the above-referenced matter, the original and fifteen (15) copies of Florida Power & Light Company's ("FPL") Request for Confidential Classification. The original includes Attachments A, B, and C. The fifteen copies include only Attachments B and C.

Attachment A contains the confidential information that is the subject of FPL's Request for Confidential Classification. Attachment A is submitted for filing in a separate, sealed folder or carton marked "ATTACHMENT A – CONFIDENTIAL. Attachment B is an edited version of Attachment A, in which the information FPL asserts is confidential has been blocked out. Attachment C contains FPL's justification for its request for confidential classification.

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Blanca S. Bayó, Director Division of Records and Reporting Florida Public Service Commission August 14, 1998 Page 2

In accordance with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information in Attachment A pending disposition of FPL's request for Confidential Classification.

Also included herewith is a computer diskette containing FPL's Request for Confidential Classification and Attachment C (in Word Perfect 6.1)

Please do not hesitate to contact me should you or your Staff have any questions regarding this filing.

Sincerely. Waa firi

R. Wade Litchfield Senior Attorney Florida Authorized House Counsel

RWL/bjw Enclosures

cc: Service List (w/out Attachment A)

DOCUMENT OF MOTIR DATE

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BBI TR4

BEFORE THE

FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power) Cost Recovery Clause and Generating) Performance Incentive Factor) DOCKET NO. 980001-EI

FILED: August 14, 1998

REQUEST FOR CONFIDENTIAL CLASSIFICATION

NOW, BEFORE THIS COMMISSION, through undersigned counsel, comes

Florida Power & Light Company ("FPL") and, pursuant to section 25-22.006 of the

Florida Administrative Code and section 366.093 of the Florida Statutes, hereby

requests confidential classification of certain information on Florida Public Service

Commission ("FPSC" or "Commission") Form 423-1(a) submitted in Docket No.

980001-EI. In support of its Request, FPL states as follows:

Petitioner's name and address are:

Florida Power & Light Company P.O. Box 029100 Miami, Florida 33102-9100

Orders, notices, or other pleadings related to this request should be served on:

William G. Walker, III Vice President Florida Power & Light Company 212 South Monroe Street Suite 810 Tallahassee, FL 32301-1859 (850) 224-7517 R. Wade Litchfield
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
(561) 691-7101

The following attachments are included herewith and made a part hereof:

2.

a. Attachment A is the complete and unedited version of FPL's June 1998 Form 423-1(a) which contains certain information that FPL asserts should be accorded confidential treatment. The information in Attachment A for which FPL seeks confidential classification has been highlighted. Attachment A is submitted separately in a sealed envelope marked "CONFIDENTIAL."

b. Attachment B is the edited version of Attachment A. All information that FPL asserts is entitled to confidential treatment has been blocked out in Attachment B.

c. Attachment C identifies information for which confidential treatment is sought and, with regard to each item or type of information, contains a brief statement that explains the need for confidentiality and refers to the specific statutory basis or bases for the request.

3. Pursuant to section 366.093, FPL seeks confidential protection for the

information highlighted in Attachment A. FPL submits that such information is proprietary confidential business information within the meaning of section 366.093(3). Pursuant to section 366.093, such materials are entitled to confidential treatment and are exempt from the disclosure provisions of the public records law. Thus, once the Commission determines that the information in question is proprietary confidential business information, the Commission is not required to engage in any further analysis or review such as weighing the harm of disclosure against the public interest in access to the information.

 FPL requests that the Commission make the following findings with respect to the No. 6 fuel oil information identified as confidential on Attachments A and C:

- 2 -

(a) The No. 6 fuel oil data identified are contractual data; and

(b) FPL's ability to procure No. 6 fuel oil, terminaling and transportation services, and petroleum inspection services is reasonably likely to be impaired by the disclosure of the information identified because:

 the markets in which FPL, as a buyer, must procure No.
 6 fuel oil, terminaling and transportation services, and fuel inspection services are oligopolistic;

(2) FPL, as a substantial buyer in an oligopolistic market may obtain price concessions not available to other buyers; and

(3) the disclosure of such concessions likely would end them, resulting in higher prices to FPL.

5. FPL typically seeks confidential treatment of No. 2 and No. 3 fuel oil information; however, because FPL made no purchases through a bidding process of No. 2 or No. 3 fuel oil during June 1998, no such request is necessary with respect to the June 1998 Form 423-1(a).

6. FPL requests that the information for which FPL seeks confidential classification not be declassified until the dates specified on Attachment C in order to allow FPL a reasonable period of time within which to negotiate future contracts. Disclosure prior to the requested dates for declassification would impair FPL's ability to negotiate future contracts.

7. The statutory bases and support for FPL's assertion of confidentiality with regard to specific items or types of information are set forth in Attachment C. The information for which confidential classification is sought is intended to be and is

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treated by FPL as confidential and, to the best of FPL's knowledge and belief, has not been publicly disclosed.

8. Upon a finding by the Commission that the material in Attachment A for which FPL seeks confidential treatment is proprietary confidential business information within the meaning of section 366.093(3), pursuant to section 366.093(4) such materials should not be declassified for the protective period set by the Commission. Further, the materials should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the above and foregoing reasons, including those set forth in the supporting materials included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

R/WADE LITCHFTELD Senior Attorney Florida Authorized Counsel Florida Power & Light Company 700 Universe Boulevard Juno Beach, Florida 33408-0420 (561) 691-7101

CERTIFICATE OF SERVICE

I, THE UNDERSIGNED COUNSEL, HEREBY CERTIFY that a copy of Florida Power & Light Company's Request for Confidential Classification, without Attachment A, has been served via first class mail, postage prepaid to the parties listed below, this 14th day of August, 1998:

Bob Elias, Chief Bureau of Electric & Gas Division of Legal Services Florida Public Service Commission Gerald L. Gunter Building - Third Floor 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

C. Edison Holland, Esquire Beggs & Lane P.O. Box 12950 Pensacola, FL 32576

Major Gary A. Enders United States Air Force HQ USAF/ULT, STOP 21 Tyndall AFB, FL 32403-6001

Kenneth Hoffman, Esquire Rutledge, Ecenia, Underwood Purnell & Hoffman, P.A. P.O. Box 551 Tallahassee, FL 32301-0551

Occidental Chemical Corporation Energy Group P.O. Box 809050 Dallas, TX 75380-9050

Nancy McCann Office of Environmental Coordinator 306 East Jackson Street, 5th Floor Tampa, FL 33602 Joseph A. McGlothlin, Esquire Vicki Gordon Kaufman, Esquire McWhirter, Reeves, McGlothlin, Davidson, etc. 117 S. Gadsden Street Tallahassee, FL 32301

Jack Shreve, Esquire Office of Public Counsel 111 W. Madison Street Room 812 Tallahassee, FL 32399-1400

Lee L. Wills, Esquire James D. Beasley, Esquire Ausley, McMullen, McGehee, Carothers & Proctor P.O. Box 391 Tallahassee, FL 32302

Lee G. Schmudde, Esquire Reedy Creek Utilities, Inc. P.O. Box 40 Lake Buena Vista, FL 32830

James A. McGee, Esquire P.O. Box 14042 St. Petersburg, FL 33733

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NON-CONFIDENTIAL

ATTACHMENT B

FPSC FORM NO. 423-1(a) (Edited)

June 1998

EDITED COPY

Page 1 of 2

FPSC FORM NO 423-1 (#)

1. REPORTING MONTH: JUN YEAR: 1998

2. REPORTING COMPANY: FLORIDA POWER LIGHT COMPANY

MONTHLY REPORT OF COST AND QUALITY OF FUEL OIL FOR ELECTRIC PLANTS DETAIL OF INVOICE AND TRANSPORTATION CHARGES

3. NAME, TITLE TELEPHONE NUMBER OF CONTACT PERSON CONCERNING DATA SUBMITTED ON THIS FORM: S. J. ADAMS, REGULATORY AFFAIRS, (305) - 552-3488

4. SIGNATURE OF OFFICIAL SUBMITTING REPORT

5. DATE COMPLETED: 7/21/98

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	SUPPLIER	LOCATION	DELMERY DATE	OIL	VOLUME (BBLS)	PRICE (\$/\$BL)	INVOICE AMOUNT (\$)	DISCOUNT	ത	NET PRICE (\$/88L)	ADJUST. (B/BBL)	EFFECTIVE PUR PRICE (\$/BBL)	TRANSP TO TERM (\$/BBL)	ADDITIONAL TRANS CHGS (MBBL)	OTHER CHGS (\$/BBL)	PRICE (MBBL)
EE	COASTAL	PORT MANATEE	05/20/98 FOS		254830								0.0000			13.8491
RGLADES	COASTAL	PORT EVERGLADES	08/28/98 FOR		185768								0.0000)		14.5205
Y POINT	COASTAL	FISHER ISLAND	05/29/98 FO8		94213								0.0000	•		15.0135
EE	COASTAL	PORT MANATEE	05/04/98 FO8	1	249048								0.0000	•		14 1391
ANAVERAL	NOVARCO	PORT CANAVERAL	05/03/98 FOR		131824											14 3270
ANAVERAL	NOVARCO	PORT CANAVERA!	05/13/98 FOR	1	221741								0.0000)		13 6030
RD	NOVARCO	JACKSONVILLE	06/02/98 FO8	1	\$3928								0.0000			14.1381
ERGLADES	BP	PORT EVERGLADES	05/21/98 FOR		251135								0.0000	2		14 1731
Y POINT	BP	FISHER ISLAND	05/22/98 FOR	5	51621								0.0000	1		14.0061
•	COASTAL	PALM BEACH	08/25/98 FOR		128248								0.0000	•		14.4082
EE	COASTAL	PORT MANATEE	06/07/98 FOR		400578								0.0000			14.0041
EE	COASTAL	PORT MANATEE	06/10/98 FOR		68335								0.000			13.9841
ANAVERAL	ENRON	PORT CANAVERAL	06/27/98 FOR		242951								0.000			14,5330
EE	ENRON	PORT MANATEE	08/23/98 FOR		131383								0.000	2		13.5401
ERGLADES	ENRON	PORT EVERGLADES	05/15/95 FOR	5	120945								0.000	2		13.3855
Y POINT	ENRON	FISHER ISLAND	05/19/98 FOR		118750								0.000			12.8215
ERS	KOCH	BOCA GRANDE	08/12/98 FOR		110874								0.000	3		13.2657
ERGLADES	KOCH	PORT EVERGLADES	05/05/98 FO	5	201115								0.000			13.8605
YPOINT	KOCH	FISHER ISLAND	C%/07/98 FO		50042								0.000	0		14,1205
1	NOVARCO	PALM BEACH	C.103/88 FO		121133								0.000	5		14.7442
	NOVARCO	PALM BEACH	06/14/98 FO		123811								0.000	D		14.3032
	NOVARCO	PALM BEACH	08/23/98 FO		124025								0.000	D		15.0782
RD	STEUART	JACKSONVILLE	05/04/98 FO	5	74991								0.000	D		13.4261
RD	STEUART	JACKSONVILLE	08/14/98 FO	8	211779								0.000	0		13.8211
ERS	TEXACO	BOCA GRANDE	05/07/98 FO	8	89124								0.000	0		12.9447
ERS	TEXACO	BOCA GRANDE	05/13/98 FO		115026								0.000	0		12 2687
A	TEXACO	RIVIERA	06/23/98 FO	8	118450								0.000	0		12.0099
A	TEXACO	RIVIERA	05/02/98 FO		115578			11					0.000	0		13.0689
A	TEXACO	RMERA	05/04/98 FO	6	118587								0.000	0		12 7700
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MONTHLY REPORT OF COST AND QUALITY OF FUEL OIL FOR ELECTRIC PLANTS DETAIL OF INVOICE AND TRANSPORTATION CHARGES

1. NAME, TITLE , TELEPHONE NUMBER OF CONTACT PERSON CONCERNING DATA SUBMITTED ON THIS FORM: S. J. ADAMS, REGULATORY AFFAIRS, (2005) - 552-3408

A SIGNATURE OF OFFICIAL SUBARTTING REPORT. L. L. CARD

S. DATE COMPLETED: 7/21/98

2. REPORTING COMPANY: FLORIDA POWER LIGHT COMPANY

1. REPORTING MONTH JUN YEAR 1998

FPSC ! ORM NO. 423-1 (a)

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NO PLUT	SUPPLIER	LOCATION	DATE	PHR A	(BBLS)	(WBBL)	AMOUNT (3)	DISCOUNT (\$)	AMOUNT (3)	(WBBL)	(MBBL)	(SVBBL)	(10 TERM)	(S/BeL)	SABOL	(Janer)
31 RIVIERA	TEXACO	RIVIERA	DB/22/58 FOR		116286								0.0000			11 9949
32 RIVIERA	TEMCO	RIVIERA	05/23/98 FO6		P4145								0.0000			12.0000
JJ RIVERA	AMERICAS		DAUZSING PRO			34.3500	208	•	200	34.3500	0.000					
34 TURKEY POINT	AMERICAS		DRID BROCKIO		7	34.4100	24	0	241	34,4100	0.000					
35 RIVIERA	AMERICAS		DEVI 1/100 PRO			34, 3250	172		172	34.3250	0.0000	34.3250	0.0000	0.0000	0.0000	34.1250
30 PT. EVERGLADES	AMERICAS		OBVIEVE PRO		10	34.3400	ž		ž	34.3400	0.000					
37 SANFORD	SUBURANN		DROTAN PRO		=	33.8500	370		370	33.6500	0.000		07-1			
JA MANATEE	SUBURBAN		ORIA BAILING		ï	31.2280	437	•	497	31.2280	0.000					
39 MANATEE	SUBURDAN		DAVIDA PRO			30.7500	248		248	30.7500	0.000		77-0			

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ATTACHMENT C

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Contract pricing formulas generally contain two components, which are: (1) a markup in the market quoted price for that day; and (2) a transportation charge for delivery at an FPL chosen port of delivery. Discounts and quality adjustment components of fuel price contract formulas are discussed in paragraphs 3 and 4. Disclosure of the invoice price would allow suppliers to determine the contract price formula of their competitors. The knowledge of others' prices (*i.e.*, contract formulas) among No. 6 fuel oil suppliers is reasonably likely to cause the suppliers to converge on a target price, or to follow a price leader, effectively eliminating any opportunity for a major buyer like FPL to obtain price concessions from any one supplier. The end result is reasonably likely to be increased No. 6 fuel oil prices and, therefore, increased electric rates.

- (2) The contract data found in Columns I through N are an algebraic function of Column H. That is, the publication of these Columns together, or independently, could allow a supplier to derive the invoice price of oil.
- (3) Some FPL fuel contracts provide for an early payment incentive in the form of a discount from the invoice price. The existence and amount of such discount is confidential for the reasons stated in paragraph (1) relative to price concessions.
- (4) For fuel that does not meet contract requirements, FPL may reject the shipment, or accept the shipment and apply a quality adjustment. This is, in effect, a pricing term that is as important as the price itself and therefore is confidential for the reasons stated in paragraph (1) relative to price concessions.
- (5) Column N is as important as H from a confidentiality standpoint because of the relatively few times that there are quality or discount adjustments. That is, Column N will equal Column H most of the time. Consequently, Column N needs to be protected for the same reasons as set forth in paragraph (1).
- (6) Column R is used to mask the delivered price of fuel such that the invoice or effective price of fuel cannot be determined. Columns P and Q are algebraic variables of Column R. Consequently, disclosure of Columns P and Q would allow a supplier to calculate the invoice or effective purchase price of oil (Columns H and N) by subtracting these columnar variables from Column R.

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(7) Terminaling and transportation services in Florida tend to have the same, if not more severe, oligopolistic attributes that characterize fuel oil suppliers. In 1987, FPL was only able to find eight qualified parties with an interest in bidding either or both of these services. Of these, four responded with transportation proposals and six with terminaling proposals. Due to the small demand in Florida for both of these services, market entry is difficult. Consequently, disclosure of these contract data is reasonably likely to result in increased prices for terminaling and transportation services.

Petroleum inspection services also have the market characteristics of an oligopoly. Due to the limited number of fuel terminal operations, there are correspondingly few requirements for fuel inspection services. In FPL's last bidding process for petroleum inspection services, only six gualified bidders were found for FPL's bid solicitations. Consequently, disclosure of these contract data is reasonably likely to result in increased prices for petroleum inspection services.

Date of Declassification	n:		
FORM	LINE(S)	COLUMN	DATE
423-1(a)	1 - 4	H - N, P & Q	03/30/00
423-1(a)	5 - 71	H - N, P & Q	03/30/00
423-1(a)	8-32	<u>H - N, P & Q</u>	12/31/98

Rationale:

FPL requests that the confidential information identified above not be disclosed until the identified date of declassification. The date of declassification is determined by adding six months to the last day of the contract period under which the goods or services identified on Form 423-1(a) or 423-1(b) were purchased.

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Disclosure of pricing information during the contract period or prior to the negotiation of a new contract is reasonably likely to impair FPL's ability to negotiate future contracts as described above.

FPL typically renegotiates its No. 6 fuel oil contracts and fuel-related services contracts prior to the end of such contracts. However, on occasion, some contracts are not renegotiated until after the end of the current contract period. In those instances, the contracts typically are renegotiated within six months. Consequently, it is necessary to maintain the confidentiality of the information identified as confidential on FPL's Form 423-1(a) or 423-1(b) for six months after the end of the individual contract period to which the information relates.

With respect to No. 6 fuel oil price information on the Form 423-1(a) or 423-1(b) for oil that was not purchased pursuant to an existing contract, and the terms of the agreement under which it is purchased are fulfilled upon delivery, FPL requests that the price information identified as confidential be kept confidential for a period of six months after the delivery. A six-month period is the minimum amount of time necessary for confidentiality of these types of purchases to allow FPL to obtain price concessions during seasonal fluctuations in the demand for No. 6 fuel oil. Disclosure of this information any sooner than six months after completion of the transaction is reasonably likely to impair FPL's ability to negotiate such purchases.