

Commissioners:
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DIVISION OF APPEALS
DAVID SMITH
DIRECTOR
(850) 413-6245

Public Service Commission

November 2, 1999

- via facsimile -

R. Wade Litchfield
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420

Re: PSC Docket No. 991266-EI

Dear Mr. Litchfield:

Attached is staff's memorandum and table that we discussed over the telephone this morning. Pursuant to our conversation, please let me know by Friday, November 19, 1999, whether you plan to file an amended petition to address staff's concerns.

Please call me at (850) 413-6096 if you have any questions.

Sincerely,

Mary Anne Helton
Associate General Counsel

MAH

- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
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- WAW _____
- OTH _____

cc: Jerry Hallenstein
Terry Kramer
Division of Records & Reporting

DOCUMENT NUMBER - DATE

13441 NOV-29

FPSC-RECORDS/REPORTING



Public Service Commission

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

DATE: October 20, 1999
TO: Mary Ann Helton, APP; Blanco Bayo, RAR; David Smith, APP
FROM: Jerry Hallenstein, BRR; Terry Kranef, BRR
RE: Florida Power & Light's Request for Confidential Treatment of Selected Text as it Appears in the Bureau of Regulatory Review's Final Report of *FP&L's Contractor Selection Process for the Transportation of Natural Gas*. (Redacted Version, Sept. 1999)

The Bureau has reviewed FP&L's line-by-line request for confidential handling of the designated portions of its report. We believe that much of the requested text (see Attachment) addresses statements of fact that are known or disclosed or expressed as our opinion. Indeed, many of the facts are stated or shown throughout this report in other places, which were left unredacted.

Staff believes that the lines (or partial lines) of text that are identified in *Column D* in the attachment do not fall within the guidelines of *Florida Statute 366.093(3)(d) and (e)* as cited by FP&L in *Column E*. Other than the listed line citations in *Column C*, FP&L has not provided specific reasons why they chose the individual words and phrases and sentences that they claim will divulge facts to the reader which are harmful to FP&L's ability to conduct future contract negotiations.

Staff is willing to acquiesce to FP&L's redaction requests to conceal the actual dollars and quantity figures, and in some cases evaluation criteria and references to specific actions of one or more of the bidders, but staff challenges those items that it cited in the attachment. The nature of some of FP&L's text choices reflect a "paintbrush" approach rather than a "scalpel" approach to the redaction process. Staff seeks to limit the redactions to only that text for which *F.S. 366.093(3)(d) & (e)* is applicable.

**Bureau of Regulatory Review's Response to Florida Power & Light's Request for Confidentiality of Workpapers Re: BRR's Review of FPL's Contract Process with Florida Gas Transmission
October 20, 1999**

A	B	C	D	E
DESCRIPTION	FINAL REPORT PAGE N ^o	LINES OF TEXT THAT FPL WANTS REDACTED	LINES OF REDACTED TEXT THAT BRR WANTS UN-REDACTED	FLORIDA STATUTE 366.093(3) SUBSECTION: (CITED BY FPL)
1.4 Overall Opinion	4	Lines ¹ 12,13,14,31,32	ALL	(d) ² (e) ³
1.4 Overall Opinion	5	Line 1	ALL	(d) (e)
2.3 FPL's Goals and Objectives for this Transportation Contract	10	Lines 22,23,24,25,26,27,28,29,30,31,32,33	Lines 22 & 23	(d) (e)
3.2.1 Volume Required-ANR and 3.2.2 Pricing Structure	20	Lines 23,24,25,26,27,28,29,30,5,31,32,35,36,37 Cols B,C	Lines 23,24,25,26,27,28,29,30,5,31,32,35,36,37 Cols B,C All EXCEPT actual amounts and pricing figures on line 24 & in Exhibit 5.	(d) (e)
3.2.2 Pricing Structure ANR(Price)	21	Lines 23,24,25,26,27,28,29,30,31,32,33,34	Lines 23,24,25,26,27,28,29,30,31,32,33,34 All EXCEPT actual pricing figures on line 27, 28, & 29	(d) (e)

¹ "Lines" does not necessarily mean each word of text on that line. Some lines may contain only a word or two.

² (d) "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."

³ (e) "Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information."

A DESCRIPTION	B FINAL REPORT PAGE Nº	C LINES OF TEXT THAT FPL WANTS REDACTED	D LINES OF REDACTED TEXT THAT BRR WANTS UN-REDACTED	E FLORIDA STATUTE 366.093(3) SUBSECTION: (CITED BY FPL)
3.3 Qualitative Analysis	22	Lines 6,7,8,9,10,11, 14,5, 15 Cols A,B,C; 16 Col B; 17 Cols A,B,C; 18 Cols B,C; 19 Cols A,B,C; 20 Cols A,B,C; 21 Cols B, C; 22 Cols A,B,C	Lines 6,7,11, 14,5, 15 Cols A,B,C; 16 Col B; 17 Cols A,B,C; 18 Cols B,C; 19 Cols A,B,C; 20 Cols A,B,C; 21 Cols B, C; 22 Cols A,B,C All EXCEPT actual pricing and quantity figures in Exhibit 6	(d) (e)
3.3 Qualitative Analysis and 3.3.1 Florida Gas Transmission Performance and Reliability Factors and 3.3.2 American Natural Resources Performance and Reliability Factors	23	Lines 4,5,6,11,15,16,17, 18,19,21,22,23,24, 26,27,29,30	Lines 17,18,19,21,22,23,24, 29,30	(d) (e)
3.3.2 American Natural Resources Performance and Reliability Factors	24	Lines 1,2,3,4,5,6,7,8,9,11, 12,14,15,16,17,18,1 9,20,22,23,27,28,29, 30	Lines 14 & 15 only	(d) (e)
3.4 FPL's Summary of Stated Objectives	25	All of Page 25	Lines 1, 2, 13,14, &15 only - Plus the Heading line at top of page.	(d) (e)
	26	All of Page 26		(d) (e)
	27	All of Page 27		(d) (e)
	28	Lines 1,2,3,4,5,6.		(d) (e)