

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Determination )  
of Need of Hines Unit 2 Power Plant )  
\_\_\_\_\_)

Docket No.: 001064-EI

Submitted for Filing: October 10, 2000

**FLORIDA POWER CORPORATION'S SECOND  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Florida Power Corporation ("FPC" or the "Company"), pursuant to Section 366.093, Fla. Stats., and Rule 25-22.006, F.A.C., requests confidential classification of certain answers in FPC's Response to Staff's First Set of Interrogatories to FPC. FPC's Response to Staff's First Set of Interrogatories to FPC, containing FPC's proprietary, confidential business information in answer to Interrogatories 24 and 25, is being filed under seal with the Florida Public Service Commission ("PSC" or the "Commission"). FPC's Responses to Staff's First Set of Interrogatories to FPC is being filed under seal with the Commission on a confidential basis because the answers to Interrogatories 24 and 25 contain detailed operating forecasts of FPC's system, which is proprietary, sensitive business information that is kept confidential and not made public by FPC (additionally, certain answers to Staff's First Set of Interrogatories to FPC contain information that the bidders who submitted proposals in response to the Company's Request for Proposal ("RFP") asked the Company to keep confidential by declaring the terms of their proposals confidential, which is the subject to FPC's first Request for Confidential Classification in this docket).

In Staff's Interrogatories 24 and 25, the Staff requests the Company to provide it with in-depth modeling data on its system, reflecting detailed operating forecasts for FPC's system, that the Commission has not requested and that the Commission has not been provided at any time in the past. Rather, the requested information asks FPC to divulge detailed, internal proprietary

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modeling information of its system. This information is highly confidential, proprietary business information that FPC has not and does not make public.

Subsection 366.093(1) 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].” Proprietary confidential business information means information that is (i) intended to be and is treated as private, confidential information by the Company, (ii) because disclosure of the information would cause harm, (iii) either to the Company’s ratepayers or the Company’s business operations, and (iv) the information has not been voluntarily disclosed to the public. § 366.093(3), Fla.Stats.

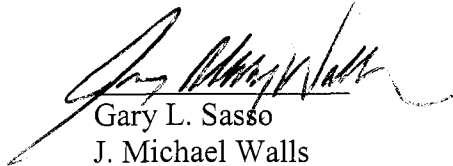
The information provided in response to Interrogatories 24 and (in part) 25 fit the statutory definition of proprietary confidential business information. It is, in both cases, highly detailed operating forecasts for FPC’s system that by its very nature is sensitive, proprietary business information that belongs to the Company. (Affidavit of Michael D. Rib, ¶ 5). The disclosure of such sensitive information to the public obviously could potentially harm both the Company and its ratepayers. (Id.). Accordingly, the information is entitled to protection under Section 366.093 and Rule 25-22.006.

For these reasons, FPC has treated such detailed operating information as confidential. (Affidavit of Michael D. Rib, ¶ 6). The information is restricted internally to those persons who need the information to perform their responsibilities for the Company. (Id.). At no time has the Company publicly disclosed the proprietary, operating forecast information contained in the answers to Interrogatories 24 and 25, even to the Commission. (Id.). The Company has treated and continues to treat this information as confidential. (Id.).

Attachment A hereto contains a justification matrix supporting FPC's second request for confidential classification of the highlighted information in FPC's Responses to Staff's First Set of Interrogatories to FPC. The confidential information is identified by attachment, page, and/or line, where appropriate (for example, in place of certain pages in the attachments to the answers to Interrogatories 24 and 25, which would contain nothing but blank pages if FPC's proprietary, confidential business information was redacted, FPC has included a single page for the confidential classification).

WHEREFORE, FPC respectfully requests that the information provided by FPC in response to Interrogatories 24 and (in part) 25 be classified as confidential for the reasons set forth above.

Respectfully submitted this 10<sup>th</sup> day of October, 2000.



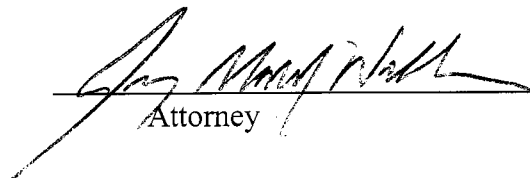
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY THAT a true and correct copy of the foregoing has been furnished by Federal Express to Deborah Hart, Esq., as counsel for the Public Service Commission, and by U.S. Mail to all other interested parties of record as listed below on this 9<sup>th</sup> of October, 2000.

  
Attorney

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**ATTACHMENT A**

<b>DOCUMENT</b>	<b>PAGE/LINE</b>	<b>JUSTIFICATION</b>
FPC's Responses to Staff's First Set of Interrogatories to FPC	Response to Interrog. 4, Bidder A calculations and attachment	§366.093(3)(d). This is information concerning the bids in response to the Request for Proposals ("RFP"), the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
FPC's Responses to Staff's First Set of Interrogatories to FPC	Response to Interrog. 4, Bidder B calculations and attachment	§366.093(3)(d). This is information concerning the bids in response to the RFP, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
FPC's Responses to Staff's First Set of Interrogatories to FPC	Interrog. 15, part of last line.	§366.093(3)(d). This is information concerning the bids in response to the RFP, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
FPC's Responses to Staff's First Set of Interrogatories to FPC	Interrog. 19, attachment, pages 2-4	§366.093(3)(d). This is the bid in response to the RFP, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.

## ATTACHMENT A

DOCUMENT	PAGE/LINE	JUSTIFICATION
FPC's Responses to Staff's First Set of Interrogatories to FPC	Interrog. 20, attachment, pages 2-4	§366.093(3)(d). This is the bid in response to the RFP, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
FPC's Responses to Staff's First Set of Interrogatories to FPC	Interrog. 21, attachment, pages 2-4	§366.093(3)(d). This is information concerning the bids in response to the RFP, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
FPC's Responses to Staff's First Set of Interrogatories to FPC	Interrog. 22, attachment, pages 2-4	§366.093(3)(d). This is information concerning the bids in response to the RFP, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
FPC's Responses to Staff's First Set of Interrogatories to FPC	Interrog. 23, attachment, pages 4-12	§366.093(3)(d). This is information concerning the bids in response to the RFP, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.

**ATTACHMENT A**

<b>DOCUMENT</b>	<b>PAGE/LINE</b>	<b>JUSTIFICATION</b>
FPC's Responses to Staff's First Set of Interrogatories to FPC	Interrog. 34, Bidder A calculations	§366.093(3)(d). This is information concerning the bids in response to the RFP, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
FPC's Responses to Staff's First Set of Interrogatories to FPC	Interrog. 35, Bidder B calculations	§366.093(3)(d). This is information concerning the bids in response to the RFP, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
FPC's Responses to Staff's First Set of Interrogatories to FPC	Interrog. 24, attachment (all pages)	§366.093(3). This is detailed operating forecasts regarding FPC's system, which is sensitive, proprietary business information the disclosure of which would harm the utility and/or its ratepayers.
FPC's Responses to Staff's First Set of Interrogatories to FPC	Interrog. 25, attachment, pages 21-52.	§366.093(3). This is detailed operating forecasts regarding FPC's system, which is sensitive, proprietary business information the disclosure of which would harm the utility and/or its ratepayers.