

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for
Determination of Need of Hines
Unit 2 Power Plant by Florida
Power Corporation.

DOCKET NO. 001064-EI
ORDER NO. PSC-00-1980-CFO-EI
ISSUED: October 24, 2000

ORDER GRANTING FPC'S 2ND REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF CERTAIN ANSWERS IN FPC'S RESPONSE TO STAFF'S FIRST SET OF
INTERROGATORIES (DOCUMENT NO. 12899-00)

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power Corporation (FPC or Company) has requested specified confidential treatment for certain answers in FPC's Response to Staff's First Set of Interrogatories. This request for confidential classification was filed on October 10, 2000. The confidential information is located in Document No. 12899-00.

Certain answers to Staff's First Set of Interrogatories to FPC (specifically interrogatories 4, 15, 19, 20, 21, 22, 23, 34 and 35) contain bid information. Confidential classification was previously granted to FPC's bid information in this docket in Order No. PSC-00-1881-CFO-EI, issued October 16, 2000.

FPC asserts that the information contained in answer to Interrogatories 24 and 25 contains detailed operating forecasts of FPC's system, which is proprietary, sensitive business information that is kept confidential and not made public by the Company. FPC maintains that the disclosure of this information to suppliers of such services "would impair the ability of the public utility or its affiliates to contract for goods or services on favorable terms." FPC asserts, therefore, that this information is proprietary, confidential business information and as such, is entitled to protection from disclosure under Sections 366.093(1), and (3)(d), Florida Statutes.

DOCUMENT NUMBER-DATE

~~XXXXXXXXXX~~
FPSC-RECORDS/REPORTING

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INFORMATION FOR WHICH CONFIDENTIAL CLASSIFICATION IS SOUGHT

FPC requests that the information contained in the following table be granted confidential classification:

FPC'S RESPONSES TO STAFF'S FIRST SET OF INTERROGATORIES

INTERROGATORY NO.	DOCUMENT(S)	PAGE(S)
4	Bidder A Calculations and Attachment	ALL
4	Bidder B Calculations and Attachment	ALL
15	Part of Last Line	---
19	Attachment	2-4
20	Attachment	2-4
21	Attachment	2-4
22	Attachment	2-4
23	Attachment	4-12
34	Bidder A Calculations	---
35	Bidder B Calculations	---
24	Attachment	ALL
25	Attachment	21-52

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." 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

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information has not been voluntarily disclosed to the public. Section 366.093(3), Florida Statutes.

FPC states that the information provided in response to Interrogatories 24 and (in part) 25, fits the statutory definition of proprietary confidential business information. The Company maintains that this information contains highly detailed operating forecasts for FPC's system that, by its very nature, is sensitive, proprietary business information that belongs to the Company. Accordingly, FPC believes that certain answers in response to Staff's First Set of Interrogatories to FPC are entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

FPC contends that internal strict procedures were established and followed to maintain the confidentiality of the information, including restricting access to those persons who needed the information to perform their responsibilities for the Company.

According to FPC, at no time has the Company publicly disclosed the proprietary, operating forecast information contained in answers to Interrogatories 24 and 25. The Company maintains that it has treated and continues to treat this information as confidential.

Therefore, FPC requests that certain answers in response to Staff's First Set of Interrogatories be granted confidential classification.

CONCLUSION

Upon review, the information described above appears to be "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." Section 366.093(3)(d), Florida Statutes. Therefore, FPC's request for confidential classification of certain answers in FPC's Response to Staff's First Set of Interrogatories, is granted.

Section 366.093(4), Florida Statutes, provides that "any finding by the Commission that records contain proprietary confidential business information is effective for a period not to exceed 18 months, unless good cause is shown for a specified longer period." The Company did not specify a time period in its request.

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Therefore, this information shall be granted confidential classification for a period of 18 months from the date of issuance of this Order.

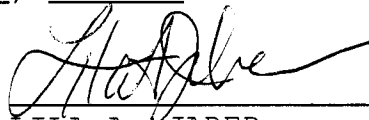
It is therefore

ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that the request by Florida Power Corporation, that certain answers in FPC's Response to Staff's First Set of Interrogatories (Document No. 12899-00) be granted confidential classification, is approved. It is further

ORDERED that the information described within the body of this Order and contained in Document No. 12899-00 shall be granted confidential classification for a period of 18 months from the date of the 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 Lila A. Jaber, as Prehearing Officer, this 24th day of October, 2000.



LILA A. JABER

Commissioner and Prehearing Officer

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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.

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 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) 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 Records and Reporting, 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.