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April 24, 1996

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FILE COPIES

HAND-DELIVERED

Blanca S. Bayo, Director  
Division of Records and Reporting  
Gunter Building  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0870

Re: Fuel and Purchased Power Cost Recovery Clause and Generating  
Performance Incentive Factor - Docket No. 960001-EI

Dear Ms. Bayo:

Enclosed for filing and distribution are the original and sixteen copies of The  
Florida Industrial Power Users Group's Response to FPL's Request for Confidential  
Classification in the above docket.

Please acknowledge receipt of the above on the extra copy enclosed herein and  
return it to me. Thank you for your assistance.

Yours truly,

*Vicki Gordon Kaufman*  
Vicki Gordon Kaufman

- ACK
- AFA
- APP
- CAF
- CMU
- CTR
- EAG  5-Daily GK/jei
- LEG  1
- LIN  3 Enclosure
- GFC
- RCH
- SEC  1
- WAS
- OTH

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MAY 1 1996  
TALLAHASSEE, FLORIDA

DOCUMENT NUMBER-DATE  
04711 APR 24 96  
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased )  
Power Cost Recovery Clause )  
and Generating Performance )  
Incentive Factor )  
\_\_\_\_\_ )

Docket No. 960001-EI

Filed: April 24, 1996

The Florida Industrial Power Users Group's Response  
to FPL's Request for Confidential Classification

The Florida Industrial Power Users Group (FIPUG), pursuant to rule 25-22.006(3)(b), Florida Administrative Code, files its response to Florida Power and Light Company's (FPL) request for confidential classification for certain information contained in its March, 1996 A Schedules. FPL's request for confidential treatment of this information should be denied.

1. FIPUG is a group of large industrial consumers, some of whom are FPL customers. The price of electricity represents one of the largest variable costs incurred by FIPUG's members. Therefore, FIPUG closely monitors the prices FPL pays for wholesale power and for fuel to ensure that FPL gets the lowest possible prices.

2. FPL makes essentially the same request for confidentiality for portions of its March A Schedules that it made in regard to its November A Schedules. FIPUG filed a detailed response to FPL's request for confidentiality of its November A Schedules and therefore attaches as Attachment A, and incorporates herein, that response in regard to FPL's current request.

DOCUMENT NUMBER-DATE

04711 APR 24 1996

FPSC-RECORDS/REPORTING

WHEREFORE, FIPUG requests that FPL's request for confidential classification  
be denied.

*Vicki Gordon Kaufman*

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Attorneys for the Florida  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the Florida Industrial Power Users Group's Response to FPL's Request for Confidential Classification has been furnished by hand delivery\* or by U.S. Mail to the following parties of record this 24th day of April, 1996:

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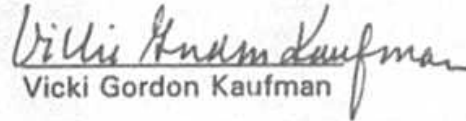
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION Jan - 2 1996

In re: Fuel and Purchased )  
Power Cost Recovery Clause )  
and Generating Performance )  
Incentive Factor )

Docket No. 96000 <sup>FPSR-RECORDS/REPORTING</sup>

Filed: January 2, 1996

The Florida Industrial Power Users Group's Response  
to FPL's Request for Confidential Classification

The Florida Industrial Power Users Group (FIPUG), pursuant to Rule 25-22.006(3)(b), Florida Administrative Code, files its response to Florida Power and Light Company's (FPL) request for confidential classification for certain information contained in its November, 1995 A Schedules. FPL's request for confidential treatment of this information should be denied.

1. FIPUG is a group of large industrial consumers, some of whom are FPL customers. The price of electricity represents one of the largest variable costs incurred by FIPUG's members. Therefore, FIPUG closely monitors the prices FPL pays for wholesale power and for fuel to ensure that FPL gets the lowest possible price.

2. In its proceeding FPL proposes to conceal from the public the following information:

- a) Schedule A4. The actual historic fuel cost per KWH generated for each of its generating units;
- b) Schedule 5. The actual historic price it charged Florida cities for the fuel;
- c) Schedule 5A. The money it receives from economy energy sales which it is required to share with retail customers; and

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MRS  
FLORIDA PUBLIC SERVICE COMMISSION

d) Schedule A9. The price FPL pays for the economy power it purchases.

3. The thrust of the petition is that the two-month old historic information FPL is required to furnish to its retail customers will place it at a competitive disadvantage in the instantaneous dispatch wholesale market. Ironically, the wholesale customers listed in the schedules are each Florida municipalities, subject to the provisions of Section 119.07, Florida Statutes. This law requires custodians of municipal records to disclose the information FPL's seeks to conceal from its retail customers. FPL has failed to demonstrate that it has sought and received a trade secret exemption from each of the municipalities. It is further ironic that FPL is required to provide the same cost information to the Federal Energy Regulatory Commission in its Form 1 filings with that Commission.

4. A decade ago when FPL had periodic general rate cases, it performed a separation study to divide its retail rate base from the wholesale rate base to avoid discrimination in circumstances where portions of the operation were subject to regulation by two bodies. Today there is no separation of the retail plant from the wholesale plant. Retail customers are entitled to know if the retail utility plant and the fuel utilized to operate that plant is being priced in a non-discriminatory fashion vis-a-vis wholesale customers. The subject fuel cost schedules provide the information retail consumers need to make this determination.

- d) The retail rate base is being used to engage in the competitive wholesale market. Retail customers are entitled to proof that the costs charged to wholesale customers are comparable to retail prices;
- e) FPL has failed to demonstrate how two-month old information on monthly average fuel costs can give competitors in the instantaneous dispatch market a competitive advantage;
- f) Retail customers, who are allegedly the primary beneficiaries of wholesale sales, are entitled to information pertaining to the gain on such sales;
- g) FIPUG Exhibit I shows that FPL's current average fuel cost is \$14.58 per megawatt hour. The retail customers are charged \$17.50 and up for this power. Part of the difference is due to taxes and regulatory charges, but price discrimination between wholesale and retail customers could exist. Giving FPL the opportunity to conceal the price differentials will deny adversely affected customers basic information needed to intelligently understand the justification for changes in the fuel surcharge.
- h) FPL has failed to address the retail consumers' entitlement to participate in the profits derived from wholesale Schedules AF, BF, and DF and other full and partial requirement wholesale sales. On information and belief, the historic average cost information FPL seeks



5. FPL spends more than \$1 billion a year for the purchase of fuel to operate its generating plants. Customers who are required to buy their power only from FPL are entitled to know whether FPL is exercising prudence in purchasing power or fuel in the most economic fashion for the benefit of its consumers. Without the information contained in the schedules, the customers have no such information. FIPUG Exhibit 1 is a rough compilation FIPUG prepares periodically from the schedules FPL seeks to keep confidential. In the current period 23% of FPL's purchases are off-system from unknown and perhaps related sellers. Retail customers are entitled to know that the price being paid to these suppliers is the correct "avoided cost" for this power and is not more than it would cost FPL to generate the power from its own plants.

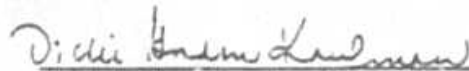
6. FIPUG specifically precasts FPL's request for confidential treatment on the following grounds:

- a) FPL's request is averse to Florida's Public Records Laws.
- b) FPL has failed to demonstrate that the information to be concealed is not readily available from other sources;
- c) The customers are entitled to basic information concerning the operating cost of FPL generating plants in the event they wish to question the prudence of these operations in semi-annual fuel adjustment proceedings, which account for approximately 40% of the total costs customers are required to pay;

to conceal from public disclosure might be of value to competitors with respect to these sales.

- i) FIPUG has not been given the opportunity to fully explore the hearsay comment from the City of New Smyrna Beach which appears to be foundation for FPL's secrecy request.
- j) This case will set a precedent for Florida's other investor-owned utilities who are net sellers of power and impact information available to the retail customers of these power companies.
- k) It is adverse to public policy to deprive the retail consumers of Florida's municipalities of the opportunity to benefit from the lowest available price.
- l) Competition in wholesale sales has resulted in lower fuel costs to all retail customers. FPL's request to restrain competition by concealing information is adverse to the public interest.

WHEREFORE, FIPUG requests that FPL's request for confidential classification be denied.

  
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# OPERATING STATISTICS AND FUEL COSTS OF FLORIDA 10 U'S

OCTOBER 1985 - MARCH 1986

|                       | GROSS SALES                           |                         |                             | FUEL MIX |          |          |          |          | GENERATION COST \$ PER KWH |
|-----------------------|---------------------------------------|-------------------------|-----------------------------|----------|----------|----------|----------|----------|----------------------------|
|                       | 1985 SYSTEM CAPACITY / 94 PEAK DEMAND | OCT / MAR MM1 GEN & BOT | ANNUAL PROJECTED RETAIL MM1 | NUCLEON  | COAL     | OIL      | GAS      |          |                            |
| FPL PURCHASE POWER %  | 20,242,302                            | 77,000,000              |                             | 36.40%   | 11.40%   | 11.07%   | 40.44%   | \$14.576 |                            |
| FC PURCHASE POWER %   | 0,702,111                             | 29,100,104              |                             | \$0.0049 | \$0.0171 | \$0.0231 | \$0.0204 |          |                            |
| FC PURCHASE POWER %   | 23.55%                                |                         |                             | 24.00%   | 60.01%   | 13.00%   | 1.20%    | \$15.000 |                            |
| FC PURCHASE POWER %   | 4,074,402                             |                         |                             | \$0.0004 | \$0.0103 | \$0.0227 | \$0.0242 |          |                            |
| FC PURCHASE POWER %   | 27.73%                                |                         |                             |          |          |          |          |          |                            |
| TECO PURCHASE POWER % | 0,270,713                             | 13,031,050              |                             | 0.00%    | 00.20%   | 0.74%    | 0.00%    | \$3.500  |                            |
| TECO PURCHASE POWER % | (1,300,101)                           |                         |                             |          | \$0.0205 | \$0.0410 |          |          |                            |
| TECO PURCHASE POWER % | -15.01%                               |                         |                             |          |          |          |          |          |                            |
| GEN PURCHASE POWER %  | 4,000,040                             | 0,021,114               |                             | 0.00%    | 00.06%   | 0.00%    | 0.04%    | \$10.000 |                            |
| GEN PURCHASE POWER %  | (005,400)                             |                         |                             |          | \$0.0101 |          |          |          |                            |
| GEN PURCHASE POWER %  | -19.24%                               |                         |                             |          |          |          |          |          |                            |

FPL OGI 050001-01  
FPL OGI EXHIBIT 1

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the The Florida Industrial Power Users Group's Response to FPL's Request for Confidential Classification has been furnished by hand delivery\* or by U.S. Mail to the following parties of record this 2nd day of January, 1996:

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