

Steel Hector & Davis

Tallahassee, Florida

Jonathan E. Sjostrom
(904) 222-2300

February 22, 1996

BY HAND DELIVERY

Ms. Blanca S. Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
4075 Esplanade Way, Room 110
Tallahassee, FL 32399-0850

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RE: DOCKET NO. 960001-EI

*X. by DN
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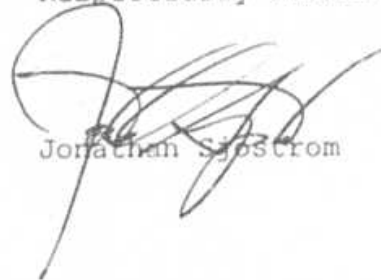
Dear Ms. Bayó:

On February 20, Florida Power & Light Company filed its Request for Confidential Classification Regarding January, 1996 A Schedules. Exhibit "B" to that filing was a an unsigned copy of the Affidavit of Rene Silva.

Enclosed is the original Affidavit of Rene Silva. Please call me if you have any questions regarding this transmittal.

- ACK ✓
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG ✓
- LIN _____
- Enclosure ✓
- RCH _____
- SEC ✓
- WAS _____
- OTH _____

Respectfully submitted,



Jonathan Sjostrom

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[Signature]
FPSC-BUREAU OF RECORDS

Miami Office
41st Floor
200 South Biscayne Boulevard
Miami, FL 33131-2398
(305) 577-7000
Fax (305) 577-7001

West Palm Beach Office
1900 Phillips Point West
777 South Flagler Drive
West Palm Beach, FL 33401-6198
(407) 650-7200
Fax (407) 655-1509

DOCUMENT NUMBER-DATE
02202 FEB 22 1996
Tallahassee Office
Suite 601
215 South Monroe
Tallahassee, FL 32301-1804
(904) 222-2300
Fax (904) 222-8410
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AFFIDAVIT

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STATE OF FLORIDA)

COUNTY OF DADE)

BEFORE ME, the undersigned authority, personally appeared Rene Silva, who being first duly sworn deposes and says:

1) My name is Rene Silva; My business address is Florida Power & Light Company, 9250 West Flagler, Miami, Florida.

2) I graduated from the University of Michigan in 1974 with a Bachelor of Science degree in Engineering Science, with a major in Nuclear Engineering. In 1978 I earned a Master of Science Degree in Mechanical Engineering from San Jose State University. In 1985 I earned a Master of Science Degree in Business Administration with a major in Finance, from the University of Miami.

3) From 1974 to 1978, I was employed by the General Electric Company, Nuclear Energy Division, where I performed design and engineering analyses related to nuclear fuel assemblies.

4) In 1978, I joined FPL as Nuclear Fuel Engineer and was responsible for negotiating contracts for the fabrication of nuclear fuel assemblies for FPL's nuclear generating plants. In 1980, I was named Supervisor of Nuclear Fuel Supply, with the responsibility for the procurement of all materials and services related to nuclear fuel.

5) In 1982, I was named Supervisor of Special Projects. In that capacity, I was involved in litigation and settlement negotiations of fuel-related disputes, development of fuel procurement and utilization strategies and strategic evaluations of generation capacity alternatives.

6) In 1986, I was named Acting Manager of Fossil Fuels and was responsible for the procurement of fuel oil, natural gas and coal for FPL's generating plants, as well as the operation and maintenance of FPL's fuel oil receiving/storage facilities.

7) In 1987, I was named Manager of Fuel Services. In that capacity I directed the development of fossil fuel price forecasts used in fuel procurement decisions, generation capacity evaluations, regulatory filings and financial planning. I participated in the development of FPL's generation

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capacity strategies, the evaluation of power supply alternatives, and the investigations regarding the feasibility of alternate fossil fuels for use at FPL's plants.

8) In October of 1993, I was named Manager, Forecasting and Regulatory Response, my present position. I am responsible for fossil fuel price forecasts and regulatory filings related to fossil fuel and fossil plants. In addition, I participate in interdisciplinary team efforts to develop and implement strategies to purchase and utilize fuel more economically, now and in the future.

9) Pursuant to Commission Rule 25-22.006(4), FPL is requesting confidential classification of certain information contained in schedules A4, A6, A6a and A9 pertaining to the month of January 1996 (the "A Schedules") required to be filed in this docket pursuant to Minimum Filing Requirements set forth in Commission Directive dated April 24, 1980, and as revised by Commission Memorandum issued by the Division of Electric and Gas dated December 13, 1994.

10) FPL believes it is at a competitive disadvantage since the disclosure of certain information in the A Schedules provides FPL's competitors with the ability to obtain price and cost information. FPL believes that the disclosure of this information is reasonably likely to impair FPL's ability to contract for goods and services since the information on these schedules allows a competitor to undercut FPL's sales price to a potential customer or to outbid FPL for a potential energy source.

11) FPL believes the importance of this information to competitors is demonstrated by the blossoming of publications which provide utility-reported data from the A Schedules. The disclosure of the information sought to be protected herein is creating an industry of publishers ready to serve a developing competitive market. For example, the September 18, 1995 edition of Power Markets Week, published by McGraw-Hill reported detailed information on FPL's wholesale power transactions for the month of July, reporting the names of customers, total amounts purchased, average and total price. This same story reported extensive information regarding FPL's power purchases for the same period. This information is found in the sections of the A Schedules sought to be protected here and, to FPL's knowledge, nowhere else. FPL knows of no other source similar to the A Schedules from which FPL can derive similar information with regard to its competitors. One such competitor is Enron Power Marketing who recently replaced FPL in a long term contract with New Smyrna Beach. The October 23, 1995 edition of Power Markets Week reports a spokesman for New Smyrna Beach as stating "the prices were better" and "the fuel charges from Enron are lower" as justification for canceling the

contract with FPL. True and correct copies of these articles are attached to this affidavit as Attachment I.

12) The information which FPL seeks to protect from disclosure is data that is being treated by FPL as proprietary confidential business information. Access within the company to this information is restricted. Each of the copies of Schedules A4, A6, A6a and A9 have been marked "CONFIDENTIAL". Employees have been instructed to not make any copies of the schedules. This information has not, to the best of my knowledge, been disclosed elsewhere.

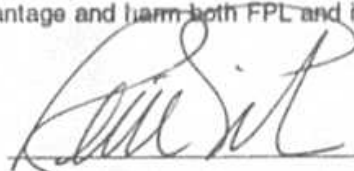
13) While FPL must protect itself from the competitive disadvantage of the disclosure of this information, FPL is also acutely sensitive to the obligation to maintain public access to information to the extent that such information does not harm competitive interests. For this reason, the information sought to be protected is only highly detailed information -- information at the level of the individual customer, unit, plant or supplier -- that would permit or encourage a competitor to target and undercut FPL's pricing or out-bid FPL for a power source available to FPL on advantageous terms. FPL does not seek protection for cumulations of the detailed, specific information.

14) Specifically, FPL is requesting confidential classification of certain information on Schedule A4 - System Net Generation and Fuel Cost, Schedule A6 - Power Sold, Schedule A6a - Gain on Economy Energy Sales, and Schedule A9 - Purchase Power. From the portions of the A4, A6 and A6a Schedules sought to be protected, FPL's competitors can determine and use the names of FPL's customers and suppliers correlated with the amounts purchased or sold, the price and the cost of wholesale transactions. Moreover, FPL's competitors can determine the economics of FPL's generating facilities and thereby undercut FPL's pricing or out bid FPL for energy sources. Suppliers of economy energy could use the information in the A9 Schedule to determine the point at which it is more economical for FPL to purchase rather than generate power and price their service nearer this margin. Thus, this information could also be used to reduce the savings FPL realizes from purchasing rather than generating power.

15) By revealing fuel cost information for each of FPL's generating plants, Schedule A4 permits FPL's competitors in the wholesale power market to learn the price at which FPL can economically sell power and thus undercut FPL's prices. The significance of the per plant figures is that these figures would permit competitors to more accurately estimate FPL's pricing. This is

so because of FPL's well known policy of economic dispatch. Barring unusual circumstances, FPL dispatches its most economical units first -- initially to satisfy its retail demand and then to sell surplus energy on the wholesale market. With the knowledge of FPL's dispatch and the fuel costs and efficiencies of FPL's remaining generating units available to supply wholesale energy, FPL's competitors are enabled to pinpoint and undercut FPL's pricing.

16) The competitive harm worked by the disclosure of this information is visited directly and, in most cases totally, upon FPL's customers. Virtually all of the "profit" realized from wholesale power sales and "savings" from wholesale purchases is passed directly through to the customer as reduced fuel cost. (100% of the profit and savings from OS transactions is passed through to the customers. In schedule C and X transactions, 80% of the profit or savings is passed to the customer and 20% is retained as profit by FPL.) Because competition exists now and will continue to increase, FPL must eliminate disclosure of information that could be used by its competitors to put FPL at a competitive disadvantage and harm both FPL and its customers.



RENE SILVA

Sworn to (or affirmed) and subscribed before me this 21st day of February, 1996 by Rene Silva who is personally known to me. In witness whereof, I have hereunto set my hand and seal in the State and County aforesaid.



Notary Public
State of Florida
My Commission Expires:



LOURDES L. GUINN
My Comm Exp. 3/30/98
Bonded By Service Ins
No. CC360387
 Personally Known Other L. U.