

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposal to extend plan
for recording of certain
expenses for years 1998 and 1999
for Florida Power & Light
Company.

DOCKET NO. 970410-EI
ORDER NO. PSC-98-0222-CFO-EI
ISSUED: February 5, 1998

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
ITS RESPONSE TO STAFF'S SECOND REQUEST FOR
PRODUCTION OF DOCUMENTS (NOS. 2 AND 3)

On October 7, 1997, Florida Power & Light Company (FPL), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, filed a request for confidential classification of its responses to Staff's Second Request for Production of Documents (Nos. 2 and 3). The information for which confidential treatment is requested is contained in Document Nos. 10284-97 and 09403-97. These two documents are identical. FPL maintains that this information consists of proprietary confidential business information that FPL intends to be, and treats as, private. FPL further maintains that public disclosure of this information will result in harm to the company.

Specifically, FPL requests confidential treatment for the following information found in its response to Staff's Second Request for Production of Documents (No. 2): page 477, lines 1-4; page 480, bar graph sections 1 and 2; page 481, lines 1-8; page 482, bar graph section 1; page 483, lines 1-3 and 5-10; page 484, lines 1-8; page 494, lines 1-4; page 497, bar graph sections 1 and 2; page 498, lines 1-8 and 12-13; page 499, bar graph section 1; page 500, lines 1-3 and 6-10; and page 501, lines 1-12. FPL also requests confidential treatment for the following information found in its response to Staff's Second Request for Production of Documents (No. 3): page 541, lines 1-4; page 544, bar graph sections 1 and 2; page 545, lines 1-8; page 546, bar graph section 1; page 547, lines 1-3 and 5-10; page 548, lines 1-8; page 558, lines 1-4; page 561, bar graph sections 1 and 2; page 562, lines 1-8; page 563, bar graph section 1; page 564, lines 1-3 and 5-9; and page 565, lines 1-8. In its request, FPL states that this information consists of highly confidential financial projections for the years 1997 through 1999 involving FPL's net income, capital expenditures, cash flow, depreciation and amortization, returns on equity, and recovery of regulatory and nuclear assets.

DOCUMENT NUMBER-DATE

01834 FEB-58

FPSO-RECORDS-REPORTING

FPL contends that public disclosure of this information could harm its financial condition by introducing volatility in the price of its publicly traded shares of stock, exposing FPL to liability under the Securities Laws, and giving an unfair advantage to FPL's competitors and other persons, who will receive unreciprocated access to FPL's future financial strategies. FPL notes that access to this information is limited within the company on a need to know basis, and the only persons outside FPL who are permitted access to this information are bond rating agencies. FPL further notes that bond rating agencies are permitted to view this information only upon condition of confidentiality, and agency rating personnel reviewing this information are subject to strict confidentiality regulations under Securities Laws.

In addition, FPL requests confidential classification of the following information found in its response to Staff's Second Request for Production of Documents (No. 3): page 481, lines 9-13; page 483, line 4 and bar graph sections 1 and 2; page 484, lines 9-14; page 498, lines 9-13; and page 500, line 5 and bar graph sections 11 and 12. FPL also requests confidential treatment for the following information found in its response to Staff's Second Request for Production of Documents (No. 3): page 545, lines 9-13; page 547, line 4 and bar graph sections 11 and 12; page 548, lines 9-14; page 562, lines 9-13; page 564, line 4 and bar graph sections 10 and 11; and page 565, lines 9-12. This information consists of FPL's financing plan projections for the years 1997 through 1999.

FPL contends that public disclosure of this information could harm its financial condition by introducing volatility in the price of its publicly traded shares of stock, exposing FPL to liability under the Securities Laws, and giving an unfair advantage to FPL's competitors and other persons, who will receive unreciprocated access to FPL's future financial strategies. FPL notes that access to this information is limited within the company on a need to know basis, and the only persons outside FPL who are permitted access to this information are bond rating agencies. FPL further notes that bond rating agencies are permitted to view this information only upon condition of confidentiality, and agency rating personnel reviewing this information are subject to strict confidentiality regulations under Securities Laws.

Upon review, it appears that the information discussed above relates to FPL's competitive interests and that its disclosure would impair FPL's competitive business. Accordingly, this information is proprietary confidential business information and

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should be granted confidential classification to avoid harm to FPL and its ratepayers. Pursuant to Section 366.093(4), Florida Statutes, FPL requests that this information not be declassified for a period of 18 months and be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business. FPL's request for an 18 month period for confidential treatment is granted. Because this material was not entered into the official record of this proceeding, it will be returned to FPL in accordance with the terms of Section 366.093(2), Florida Statutes.

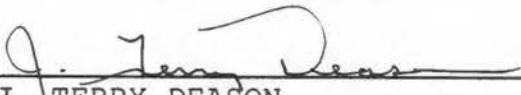
In consideration of the foregoing, it is therefore

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that the information in Document Nos. 10284-97 and 09403-97 for which confidential treatment was requested shall be treated as proprietary confidential business information to the extent discussed above. It is further

ORDERED that the information discussed above shall be afforded confidential treatment for a period of 18 months from the issuance date of this Order. This material may be returned to Florida Power & Light Company in less than 18 months in accordance with the terms of Section 366.093(2), Florida Statutes. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 5th day of February, 1998.



J. TERRY DEASON
Commissioner and Prehearing Officer

(S E A L)

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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.