

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Florida Power Corporation's earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light.

DOCKET NO. 000824-EI
ORDER NO. PSC-00-2501-CFO-EI
ISSUED: December 27, 2000

ORDER GRANTING FPC'S REQUEST FOR CONFIDENTIAL CLASSIFICATION OF CERTAIN ANSWERS IN FPC'S RESPONSE TO STAFF'S SECOND SET OF INTERROGATORIES, NO. 41 (DOCUMENT NO. 13760-00)

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 Second Set of Interrogatories, No. 41. The confidential information is filed with the Commission as Document No. 13760-00.

FPC asserts that the information contains the names of vendors with whom FPC has maintained contracts between the dates of August 1, 1999 and October 11, 2000. Additionally, FPC maintains, the information contains the value of each contract. FPC contends that many of these contracts have been established through a competitive bidding process and many of the vendors listed, desire to keep the nature of their relationship with FPC confidential. FPC asserts that the associated contract values represent negotiated figures which, if publicly disclosed, would inhibit the ability of the Company to obtain the most cost-effective services on behalf of its customers.

FPC maintains that this information is not distributed to individuals within Florida Power Corporation unless there is a business need, and is not provided to anyone outside the Company. Additionally, FPC contends that the information for which confidential classification is sought, is intended to be, and is treated by the Company as private and has not been publicly disclosed.

DOCUMENT NUMBER-DATE

16424 DEC 27 8

FPC-RECORDS/REPORTING

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

FPC states that the information fits the statutory definition of proprietary confidential business information. The Company maintains that this information contains individual contractors' names and disclosure to potential vendors would enable such vendors to identify their competitors and tailor their bids accordingly. Therefore, FPC believes that certain answers in response to Staff's Second Set of Interrogatories to FPC are entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

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

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It is therefore

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that the request by Florida Power Corporation, that certain answers in FPC's Response to Staff's Second Set of Interrogatories (Document No. 13760-00) 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. 13760-00 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 Braulio L. Baez, as Prehearing Officer, this 27th day of December, 2000.



BRAULIO L. BAEZ
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.

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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.