

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to determine need for West County Energy Center Unit 3 electrical power plant, by Florida Power & Light Company.	DOCKET NO. 080203-EI
In re: Petition for determination of need for conversion of Riviera Plant in Palm Beach County, by Florida Power & Light Company.	DOCKET NO. 080245-EI
In re: Petition for determination of need for conversion of Cape Canaveral Plant in Brevard County, by Florida Power & Light Company.	DOCKET NO. 080246-EI ORDER NO. PSC-08-0445-CFO-EI ISSUED: July 11, 2008

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 05527-08)

Pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Florida Power & Light Company (FPL) requests confidential classification for material provided in response to Commission Staff's First Set of Interrogatories No. 48, Fourth Set of Interrogatories No. 76, and Fifth Set of Interrogatories No. 97 (Document No. 04849-08) filed in these dockets on June 6, 2008. FPL also requests confidential classification for material provided in response to Commission Staff's First Set of Interrogatories Nos. 41, 43, and 46, Third Set of Interrogatories No. 68, and Fourth Set of Interrogatories Nos. 74 and 83 (Document No. 05009-08) filed in these dockets on June 11, 2008. FPL filed its Request for Confidential Classification for all of these confidential interrogatory responses on June 26, 2008 (Document No. 05527-08).

Section 366.093(1), F.S., 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. Section 366.093(3), F.S., defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Sections 366.093(3)(d) and (e), F.S., provide that proprietary confidential business information includes, but is not limited to 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, and information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

FPL contends that the material provided in response to the above-referenced staff interrogatories fall within these categories, and thus constitutes proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. FPL

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states that this information is intended to be and is treated by FPL as private and confidential and has not been publicly disclosed.

FPL requests that the following information be granted confidential classification:

Description	Pages	Conf. Y/N	Line No.	Florida Statute 366.093(3) Subsection	Affiant
Interrogatory No. 41	Attachment No. 1	Y	Columns B-J, lines 12-44;	(e)	J. L. Martinez
Interrogatory No. 43	1	Y	12, 13, and 15-18	(d), (e)	Steven R. Sim
Interrogatory No. 46	1	Y	27 and 28	(e)	J. L. Martinez
Interrogatory No. 48	1	Y	16-21	(d)	Steven R. Sim
Interrogatory No. 68	1	Y	35	(e)	John C. Gnecco, IV
Interrogatory No. 74	1 2	Y	23, 24, 33, 34, and 43 1	(e)	J. L. Martinez
Interrogatory No. 76	Attachment No. 1	Y	9-19	(d)	Steven R. Sim
Interrogatory No. 83	1	Y	25	(e)	J. L. Martinez
Interrogatory No. 97	1	Y	17-19	(d), (e)	John C. Gnecco IV

Upon review, it appears that the material provided in response to Commission Staff's First Set of Interrogatories Nos. 41, 43, 46, and 48, Third Set of Interrogatories No. 68, Fourth Set of Interrogatories Nos. 74, 76, and 83, and Fifth Set of Interrogatories No. 97 satisfy the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information, and thus shall be treated as confidential. The documents include information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms, or information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Thus, this information shall be granted confidential classification.

Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of 18 months from the date

of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless FPL or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.


Based on the foregoing, it is

ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification of Document No. 05527-08 is granted. It is further

ORDERED that the information in Document No. 05527-08 for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of 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 Lisa Polak Edgar, as Prehearing Officer, this 11th day of July, 2008.


LISA POLAK EDGAR
Commissioner and Prehearing Officer

(SEAL)

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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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, Florida Administrative Code; or (2) 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 Office of Commission Clerk, 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.