

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Fuel and Purchased Power) DOCKET NO. 890001-EI
Cost Recovery Clause and Generating) ORDER NO. 21113
Performance Incentive Factor) ISSUED: 4-24-89
_____)

ORDER GRANTING CONFIDENTIALITY FOR PORTIONS
OF FPL'S JANUARY 1989 FUEL REPORT FORM

Florida Power and Light Company (FPL) has requested specified confidential classification for the following portions of its January, 1989 fuel report forms:

Forms 423 - 1(a)
Forms 423 - 1(b), lines 37, 58, and 61

All of these documents contain information related to the company's fuel contracts. Disclosure of this information, FPL contends, would likely impair its ability to negotiate fuel and transportation contracts because it would inform potential bidders of current prices paid for services.

Section 366.093(1) states in pertinent part:

... Upon request of the public utility, any records received by the Commission which are shown to be proprietary confidential business information shall be kept confidential and shall be exempt from s. 119.07(1).

Subsection (3) of the section defines proprietary confidential business information as, among other things, information concerning bids or other contractual data, the disclosure of which would impair the efforts of the utility to contract for services on favorable terms. Our confidentiality rule states that classification of material as proprietary confidential business information can be justified by demonstrating how the information it contains falls under one or more of the statutory examples. Rule 25-22.006(4), Florida Administrative Code.

An examination of the FPL document, which is identified by the Division of Records and Reporting as DN 2686-89, shows that it contains confidential information which, if released, could affect the company's ability to contract for fuel on favorable terms.

According to FPL, the confidential information FPL seeks to protect from public disclosure on its January 1989 FPSC Form 423-1(a) and Form 423-1(b), identified as DN 2686-89, will not continue to be sensitive and require specified confidential classification after June 30, 1991, when FPL anticipates having renegotiated all the contracts from which the confidential information is derived.

In consideration of the foregoing it is

ORDERED that document DN 2686-89 is confidential and shall continue to be exempt from the requirements of section 119.07(1), Florida Statutes until June 30, 1991. It is further

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ORDERED that if a protest is filed within 14 days of the date of this order it will be resolved by the appropriate Commission panel pursuant to Rule 25-22.005(3)(d), Florida Administrative Code.

BY ORDER of Commissioner John T. Herndon, as Prehearing Officer, this 24th day of **APRIL**, 1989.

John T. Herndon
JOHN T. HERNDON, Commissioner
and Prehearing Officer

(S E A L)

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