



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: March 30, 2004
TO: Kay B. Flynn, Chief of Records and Hearing Services, Division of the Commission
Clerk & Administrative Services
FROM: Division of Auditing & Safety (Freeman, Vandiver) ^F ^V
RE: Docket 040001, In Re: Fuel and Purchased Power Recovery Clause,
Request Confidential Treatment for Document 10027-03

On May 8, 2003, when copies of certain portions of staff's audit report and working papers obtained or prepared during the "Progress Energy Florida (Formerly Florida Power corporation) Waterborne Transportation Audit of the Twelve Months ended December 31, 2002, Audit Control No. 03-045-2-1" were delivered to Progress Energy, Inc., at the audit exit conference, the utility requested that these materials be temporarily exempted from public access in accordance with the provisions of Rule 25-22.006(3)(a)2., Florida Administrative Code (FAC).

On May 29, 2003, the utility filed a request pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, FAC, that selected portions of the audit report and working papers prepared during the audit receive a confidential classification.

Commission Order PSC-03-1184-CFO-EI, issued October 21, 2003, granted Progress Energy, Inc.'s request.

On October 14, 2003, staff filed supplemental testimony of Joseph W. Rohrbacher for use at hearing including two sensitive pages of the audit report and thirty-eight (38) sensitive working papers, portions of which were granted a confidential classification by Commission Order PSC-03-1184-CFO-EI. This testimony included a copy with sensitive information highlighted (document 10027-03) and a redacted public copy (document 10025-03).

DOCUMENT NUMBER DATE

04103 MAR 31 04

FPSC-COMMISSION CLERK

Request for Confidential Treatment
March 30, 2004

Specifically, Mr. Rohrbacher's supplemental testimony included, within Exhibit JWR-5, the following confidential audit report information and staff working papers:

Audit Report Disclosure 3;	Audit Report Disclosure 3 Schedule;	Working paper 2A, Page 1;
Working paper 2A, Page 2;	Working paper 2A, Page 3;	Working paper 2A, Page 4;
Working paper 2A, Page 5;	Working paper 2B, Page 1;	Working paper 2B, Page 2;
Working paper 2B, Page 3;	Working paper 2B, Page 4;	Working paper 2B, Page 5;
Working paper 42;	Working paper 42-1;	Working paper 42-2, Page 1;
Working paper 42-2, Page 2;	Working paper 42-3, Page 1;	Working paper 42-3, Page 2;
Working paper 42-3, Page 3;	Working paper 42-3, Page 4;	Working paper 42-3, Page 5;
Working paper 43-3/1;	Working paper 45-1, Page 1,	Working paper 45-1, Page 2;
Working paper 45-1, Page 3;	Working paper 45-1, Page 4;	Working paper 45-1, Page 5;
Working paper 45-1, Page 6;	Working paper 45-1, Page 7;	Working paper 45-1, Page 8;
Working paper 45-1, Page 9;	Working paper 45-1, Page 10;	Working paper 45-1, Page 11
Working paper 45-1, Page 12;	Working paper 45-3;	Working paper 46-3;
Working paper 47-1;	Working paper 47-2;	Working paper 48; and
Working paper 48-1.		

Rule 25-22.006(3)(d), FAC, in part provides: "Any staff ...reports or work products containing confidential information extracted from material having been classified as confidential...shall be handled in the same manner as the material so classified.

Please hold document 10027-03 as confidential for the same classification period granted by Commission Order PSC-03-1184-CFO-EI.

CC: Office of General Counsel (C. Keating, Rodan)
Division of Auditing and Safety (Rohrbacher)