

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for approval of storm cost recovery clause for recovery of extraordinary expenditures related to Hurricanes Charley, Frances, Jeannie, and Ivan, by Progress Energy Florida, Inc.

DOCKET NO. 041272-EI
ORDER NO. PSC-05-0169-CFO-EI
ISSUED: February 14, 2005

ORDER GRANTING IN PART AND DENYING IN PART REQUEST
FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 12594-04)

On November 24, 2004, pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Progress Energy Florida, Inc. (PEF) filed a request for confidential classification of portions of Exhibit SSR-2 (PEF's Transmission Storm Plan) to the pre-filed direct testimony of PEF witness Sarah S. Rogers and Exhibit DM-1 (PEF's Distribution Storm Plan) to the pre-filed direct testimony of PEF witness David McDonald (Document No. 12594-04).

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]." Section 366.093(3), Florida Statutes, 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. Section 366.093(3), Florida Statutes, provides that proprietary confidential business information includes, but is not limited to "[s]ecurity measures, systems, or procedures" (subsection c), and "[e]mployee personnel information unrelated to compensation, duties, qualifications, or responsibilities" (subsection f).

PEF contends that portions of Exhibit SSR-2 and Exhibit DM-1 fall within these categories and thus constitute proprietary confidential business information entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. PEF states that portions of Exhibit SSR-2 (PEF's Transmission Storm Plan) contain information identifying the locations of PEF's critical transmission lines and substations. PEF further states that Exhibit SSR-2 identifies security procedures for the restoration of nuclear plant sirens in the event of a storm. According to PEF, public disclosure of such information would pose a significant security risk and has the potential to impose a hazard to public safety. PEF asserts that portions of Exhibit SSR-2 also contain the personal home, cellular, and pager telephone numbers and email addresses for employee personnel and third-party contractors. According to PEF, such information is unrelated to compensation, duties, qualifications, or employment responsibilities and should not be disclosed to the public. PEF also requests confidential classification for portions of Exhibit DM-1 (PEF's Distribution Storm Plan). PEF states that portions of Exhibit DM-1 contain the personal home, cellular, and pager telephone numbers and email addresses for employee personnel and third-party contractors, as well as employee access

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passwords for a third-party contractor's proprietary website. According to PEF, such information is unrelated to compensation, duties, qualifications, or employment responsibilities and should not be disclosed to the public. PEF contends that portions of Exhibit DM-1 also contain information identifying the security measures, systems, and procedures for restoration of service to nuclear plants in the event of a storm. According to PEF, public disclosure of such information would pose a significant security risk and has the potential to impose a hazard to public safety. PEF states that this information is intended to be and is treated by PEF as private and has not been publicly disclosed.

The information for which PEF requests confidential classification and the ruling on each item is set forth in the following table. For those items granted confidential classification, I find it confidential for the reasons identified by the company.

Exhibit SSR-2	Ruling
Page PEF-SR-00028	Grant
Page PEF-SR-00029	Grant
Page PEF-SR-00030	Grant
Page PEF-SR-00031	Grant
Page PEF-SR-00032	Grant
Page PEF-SR-00033	Grant
Page PEF-SR-00034	Grant
Page PEF-SR-00035	Grant
Page PEF-SR-00037	Deny. The cellular, home, and pager numbers and email addresses are related to employee duties and responsibilities and are already publicly available from several state agencies as part of the Florida statewide energy emergency contact information.
Page PEF-SR-00038	Deny. See Ruling on PEF-SR-00037
Page PEF-SR-00039	Denv. See Ruling on PEF-SR-00037
Page PEF-SR-00040	Denv. See Ruling on PEF-SR-00037
Page PEF-SR-00041	Deny. See Ruling on PEF-SR-00037
Page PEF-SR-00042	Denv. See Ruling on PEF-SR-00037
Page PEF-SR-00048	Grant
Page PEF-SR-00050	Grant
Page PEF-SR-00051	Grant
Page PEF-SR-00052	Grant
Page PEF-SR-00053	Grant
Page PEF-SR-00067	Grant

Page PEF-SR-00069	Deny for generic notes and all column headings because unrelated to security measures, systems, or procedures. Grant for remainder of information on page for which confidentiality has been requested.
Page PEF-SR-00070	Grant
Page PEF-SR-00071	Deny for all column headings because unrelated to security measures, systems, or procedures. Grant for remainder of information on page for which confidentiality has been requested.
Page PEF-SR-00072	Grant
Page PEF-SR-00073	Deny for the last sentence of the first paragraph because unrelated to security measures, systems, or procedures. Grant for remainder of information on page for which confidentiality has been requested.
Page PEF-SR-00074	Grant
Page PEF-SR-00075	Deny for the title and column headings of the matrix because unrelated to security measures, systems, or procedures. Grant for remainder of information on page for which confidentiality has been requested.
Exhibit DM-1	
Page PEF-SR-00099	Grant
Page PEF-SR-00121	Grant
Page PEF-SR-00122	Grant
Page PEF-SR-00129	Grant
Page PEF-SR-00130	Grant
Page PEF-SR-00131	Grant

Page PEF-SR-00141	<p>Deny for the words "In order to do this" under the subheading "6.0 Restoration Priorities" because unrelated to security measures, systems, or procedures and the text was already made public in PEF's confidentiality request.</p> <p>Deny for the second paragraph under the subheading "6.0 Restoration Priorities" because unrelated to security measures, systems, or procedures.</p> <p>Deny for the title and the second line of the first bullet point under the subheading "6.0 Restoration Priorities" because unrelated to security measures, systems, or procedures.</p> <p>Deny for the entire second and third bullet points under the subheading "6.0 Restoration Priorities" because unrelated to security measures, systems, or procedures. Grant for remainder of information on page for which confidentiality has been requested.</p>
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Pursuant to Section 366.093(4), Florida Statutes, 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), Florida Statutes, unless PEF or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

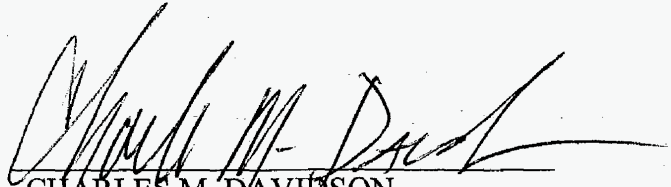
Based on the foregoing, it is

ORDERED by Commissioner Charles M. Davidson, as Prehearing Officer, that Progress Energy Florida, Inc.'s Request for Confidential Classification of Document No. 12594-04 is granted in part and denied in part, as set forth in the body of this order. It is further

ORDERED that the information in Document No. 12594-04 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 Charles M. Davidson, as Prehearing Officer, this 14th
day of February, 2005.



CHARLES M. DAVIDSON
Commissioner and Prehearing Officer

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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 Director, Division of the Commission Clerk and Administrative Services, 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.