

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for approval of long-term fuel supply and transportation contracts for Hines Unit 4 and additional system supply and transportation, by Progress Energy Florida, Inc.

DOCKET NO. 041414-EI
ORDER NO. PSC-05-0455-CFO-EI
ISSUED: April 28, 2005

ORDER GRANTING AMENDED SECOND REQUEST FOR CONFIDENTIAL CLASSIFICATION (DOCUMENT NOS. 01170-05, 01655-05, AND 03874-05)

On February 1, 2005, pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Progress Energy Florida, Inc. (PEF) filed a second request for confidential classification, requesting confidential classification of PEF's responses to Interrogatory Nos. 1, 8, 9, 11, 16, 17-27, 30-35, 39, 40, 42, and 44-48 from Staff's First Set of Interrogatories to Progress Energy Florida, Inc. (Nos. 1-51), and PEF's responses to Staff's First Request for Production of Documents to Progress Energy Florida, Inc. (Nos. 1-4) (Document No. 01170-05). On February 17, 2005, PEF filed a corrected confidential response to its response to Interrogatory No. 26 from Staff's First Set of Interrogatories to Progress Energy Florida, Inc. (Document No. 01655-05). Then, on April 20, 2005, PEF filed an amended second request for confidential classification, covering revisions to PEF's responses to Interrogatory Nos. 18, 19, 22-25, 27, 30, 32, and 33 from Staff's First Set of Interrogatories to Progress Energy Florida, Inc. (Nos. 1-51) (Document No. 03874-05).

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 "[t]rade secrets" (subsection a); "[i]nformation 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" (subsection d); and "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information" (subsection e).

PEF contends that its responses to Interrogatory Nos. 1, 8, 9, 11, 16, 17-27, 30-35, 39, 40, 42, and 44-48 from Staff's First Set of Interrogatories to Progress Energy Florida, Inc. (Nos. 1-51) and PEF's responses to Staff's First Request for Production of Documents to Progress Energy Florida, Inc. (Nos. 1-4) 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.

DOCUMENT NUMBER-DATE

04148 APR 28 05

FPC-05-0455-CFO-EI

PEF requests that the following information be granted confidential classification:

DOCUMENTS	PAGE/LINE	JUSTIFICATION
<p>PEF's Response to Staff's First Request for Production of Documents to Progress Energy Florida, Inc., Nos. 1 and 3</p>	<p>PEF 00001 all information on page;</p> <p>PEF 00003 all information on page;</p> <p>PEF 00004 all information on page;</p> <p>PEF 00005 all information on page;</p> <p>PEF 00006 all information on page;</p> <p>PEF 00007 all information on page;</p> <p>PEF 00008 all information on page;</p> <p>PEF 00009 all information on page;</p> <p>PEF 00010 all information on page;</p> <p>PEF 00011 all information on page;</p> <p>PEF 00012 all information on page;</p> <p>PEF 00013 all information on page;</p> <p>PEF 00014 all information on page;</p> <p>PEF 00015 all information on page;</p>	<p>§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.</p> <p>NOTE: This document was granted confidential classification in PSC Docket No. 040817-EI, Order No. PSC-04-1061-CFO-EI.</p>

PEF 000016 all information
on page;

PEF 000017 all information
on page;

PEF 000018 all information
on page;

PEF 000019 all information
on page;

PEF 000020 all information
on page;

PEF 000021 all information
on page;

PEF 000022 all information
on page;

PEF 000023 all information
on page;

PEF 000024 all information
on page;

PEF 000025 all information
on page;

PEF 000026 all information
on page;

PEF 000027 all information
on page;

PEF 000028 all information
on page;

PEF 000029 all information
on page;

PEF's Response to Staff's
First Request for Production
of Documents to Progress

PEF 000030 all information
listed under MDQ and Rate
subheadings

§ 366.093(3)(d)
PEF's response contains
confidential details of PEF's

<p>Energy Florida, Inc. No. 2</p>	<p>PEF00031 item no. 5, third word from end; line 6, first line, seventh word</p>	<p>negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.</p> <p>NOTE: This document was granted confidential classification in PSC Docket No. 040817-EI, Order No. PSC-04-1061-CFO-EI.</p>
<p>PEF's Response to Staff's First Request for Production of Documents to Progress Energy Florida, Inc. No. 4</p>	<p>PEF 000032 Non-binding RFP identification, all names in subject paragraph, all information after subheadings;</p> <p>PEF 000033 all information after subheadings "proposals;"</p> <p>PEF 000034 "to," "cc" and attachment;</p> <p>PEF 000035 "to" and "cc" lines, and attachment;</p> <p>PEF 000036 "to" and "cc" line, and attachment;</p> <p>PEF 000037 Non-binding RFP identification, names in subject line, all information after subheadings;</p> <p>PEF 000038 RFP identification in paragraph under proposals;</p> <p>PEF 000039 "to," "cc" and attachment;</p> <p>PEF 000040 "to" and "cc" line, and attachment;</p> <p>PEF 000041 "to," "cc" and</p>	<p>§ 366.093(3)(d)</p> <p>PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.</p> <p>NOTE: These documents were granted confidential classification in PSC Docket No. 040817-EI, Order No. PSC-04-1061-CFO-EI.</p>

attachment;

PEF 000042 "to," "cc" and attachment;

PEF 000043 "to," "cc" and attachment;

PEF 000044 "from," "cc," document names, name in first sentence and all information after first sentence;

PEF 000045 header and all words after introduction;

PEF 000046 header, all names in title and all information after subheadings;

PEF 000047 all information after subheadings;

PEF 000048 header and all information after introduction;

PEF 000049 header, all names in title and all information after subheadings;

PEF 000050 "from," "cc" and subject line, signature block;

PEF 000051 RFP identification in subject line, all information after subheadings;

PEF 000052 all information after subheadings;

PEF 000053 "from" line, document identification name, all names in first paragraph, signature block, and "to" and

“cc” line in embedded e-mail;

PEF 000054 header, name in
“re:” line, all information after
subheadings;

PEF 000055 all information
after subheadings;

PEF 000056 all information
after subheadings;

PEF 000057 subject line,
document description,
signature line;

PEF 000058 “from” and
subject line in embedded e-
mail and all text after word
“John” in embedded e-mail;

PEF 000059 header, RFP
identification and all words
after “John” in introduction;

PEF 000060 all information
after subheadings;

PEF 000061-62 RFP
identification, subject line,
first paragraph and all
information after subheadings;
“nominations” through “gas
quality,” RFP identification in
subheadings proposal;

PEF 000063 “to” and subject
line, salutation and document
identification name;

PEF 000064 “to” line, subject
line, salutation and document
identification name;

PEF 000065 “to” line, subject.

salutation and document
identification name;

PEF 000066 "from," "cc" and
subject line, first paragraph,
fourth word and signature line;

PEF 000067 RFP
identification and subject line,
first paragraph, all information
after subheadings;

PEF 000068 all information
after subheadings;

PEF 000069 "from" line,
subject, first paragraph, first
word, second line, third and
fourth words, signature;

PEF 000070-72 headers, RFP
identification in "re:" line and
all text after subheadings;

PEF 000073 all information
on page;

PEF 000074 all information
on page;

PEF 000075 "from" and
subject lines, names in first
sentence, signature block;

PEF 000076 header, RFP
identification and all text after
introduction;

PEF 000077 all information
on page;

PEF 000078 all information
on page;

PEF 000079 all information

	<p>on page;</p> <p>PEF 000080 all information on page;</p> <p>PEF 000081 footer at bottom of page;</p> <p>PEF 000082 "from" line, subject line, names in first paragraph, signature block;</p> <p>PEF 000083 header, RFP identification and "re:" line, all information after salutation, all terms after subheadings;</p> <p>PEF 000084-85 all terms after subheadings;</p> <p>PEF 000086 all information on page;</p> <p>PEF 000087 header, RFP identification and all terms after subheadings;</p> <p>PEF 000088-89 all terms after subheadings;</p> <p>PEF 000090 all information on page;</p> <p>PEF 000091 header, RFP identification in "re:" line, all terms after subheadings;</p> <p>PEF 000092-93 all terms after subheadings;</p> <p>PEF 000094 all information on page;</p> <p>PEF 000095 all information</p>	
--	--	--

	<p>on page;</p> <p>PEF 000096 header, RFP identification and all words after introduction;</p> <p>PEF 000097 all information on page;</p> <p>PEF 000098 header, RFP identification in "re:" line, all terms after subheadings;</p> <p>PEF 000099 all terms after subheadings and RFP identification in subheadings proposal;</p> <p>PEF 000100 "to" and subject line, all names in salutation and attachment</p> <p>PEF 000101 "to," "cc" and subject line, salutation and attachment;</p> <p>PEF 000102 "to", subject line and attachment name,</p> <p>PEF 000103 all terms after subheadings and introduction;</p> <p>PEF 000104 all terms after subheadings;</p> <p>PEF 000105 all terms after subheadings and signature block;</p> <p>PEF 000106 all terms after subheadings and names in introductory paragraph;</p> <p>PEF 000107-111 all terms after subheadings;</p>	
--	--	--

PEF 000112-113 headings, RFP number, first paragraph, second line, first six words and tenth and eleventh words, second paragraph, third line ninth and tenth words, third paragraph, first line sixth word and entire paragraph following eighth word, third paragraph in its entirety and signature block

PEF 000114 names in subject line, all text after subheadings names in last paragraph

PEF 000116 letterhead, RFP description, all text in first sentence after word "is" and before "response", sixth line, last four words, all names in signature block, copies and footer at bottom of page;

PEF 000117 heading and RFP description, description of parties, all terms after subheadings on remainder of page, all names from preliminary notional proposal footer paragraph;

PEF 000118 all text after subparagraph, all names and preliminary notional proposal, footer paragraph at bottom of page;

PEF 000119 all text after subparagraph, all names in preliminary notional proposal, footer paragraph at bottom of page;

	<p>PEF 000120 all text after subparagraph, all names and preliminary notional proposal, footer paragraph at bottom of page;</p> <p>PEF 000121 all text after subparagraph, all names and preliminary notional proposal, footer paragraph at bottom of page</p>	
PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 1	Second line, second to and last word, entire third and fourth lines	§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 8	First Line, last six words; Second line, first eleven words; entire section (1); and entire section (2)	§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 9	Entire paragraph following the word "provision" in the first line	§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc.,	Entire first paragraph following the word "for" in the first line	§ 366.093(3)(d) PEF's response contains confidential details of PEF's

No. 11		negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 16	Last three words of answer line	§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 17	All information in charts under subheadings Transportation, Capital Investment and Supply	§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 18	All words after "and FGT," and before "Variable Charge." All information in charts under subheadings Transportation, Capital Investment and Supply	§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 19	All words after "regarding the," and before "alternative reflect." All information in charts under subheadings Transportation, Capital Investment and Supply	§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on

		favorable terms.
PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 20	All information in charts under subheadings Transportation, Supply, Capital Investment, and O&M	§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 21	All information in charts under subheadings Transportation, Supply, Capital Investment, and O&M	§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 22	All words after "and FGT:," and before "variable charge." All information in charts under subheadings Transportation, Supply, Capital Investment, and O&M	§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 23	All words after "and FGT:," and before "variable charge." All information in charts under subheadings Transportation, Supply, Capital Investment, and O&M	§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc.,	All words after "regarding the," and before "alternative reflect."	§ 366.093(3)(d) PEF's response contains confidential details of PEF's

No. 24	All information in charts under subheadings Transportation, Supply, Capital Investment, and O&M	negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 25	All words after "regarding the," and before "alternative reflect." All information in charts under subheadings Transportation, Supply, Capital Investment, and O&M	§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 26	Column 1 and Column 2 of table; second paragraph, line 4, second word; line 5, seventh word, line 6, all words following "for", line 7, ninth, tenth and eleventh words, line 8, last three words, line 9, first two and last words, entire line 10	§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 26	Company names in chart under sub-heading Alternative; all information under subheadings Summer, Winter, Commodity and Fuel	§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 27	Company names in chart under sub-heading Alternative; all information under subheadings Summer, Winter, Commodity and Fuel	§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on

		favorable terms.
PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 30	All the words after "and FGT:," and before "variable charge." All information listed under sub-headings Transportation, Capital Investment and Supply	§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 31	All information listed under sub-headings Transportation, Capital Investment and Supply	§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 32	All the words after "and FGT:," and before "variable charge." All information listed under sub-headings Transportation, Supply, Capital and O&M	§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.

<p>PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 33</p>	<p>All the words after "and FGT;" and before "variable charge." All information listed under sub-headings Transportation, Supply, Capital and O&M</p>	<p>§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.</p>
<p>PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 33</p>	<p>All information listed under sub-headings Transportation, Supply, Capital and O&M</p>	<p>§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.</p>
<p>PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 34</p>	<p>All information listed under sub-headings Transportation, Supply, Capital and O&M</p>	<p>§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.</p>
<p>PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 39</p>	<p>All information following the word "was"</p>	<p>§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.</p>
<p>PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 40</p>	<p>Sixth Line, last word; seventh line, first word</p>	<p>§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts</p>

		with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 42	All information following the first two words	§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 44	All information in paragraph following Answer:	§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 45	All information in paragraph following Answer:	§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 46	Second page, paragraph under heading C. Operating Flexibility, eighth line, last two words; paragraph under D Create Value for Additional Generation Sites, sixth line, sixth and seventh word	§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.

PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 47	Paragraph following Answer: first line, fifth and sixth word, seventh line, sixth, seventh and eighth word, eighth line, eighth word, ninth line, fifth and sixth word	§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.
PEF's Response to Staff's First Set of Interrogatories to Progress Energy Florida, Inc., No. 48	Entire second sentence in Answer paragraph	§ 366.093(3)(d) PEF's response contains confidential details of PEF's negotiations and contracts with fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.

PEF contends that this information is intended to be and is treated as private and has not been voluntarily disclosed to the public. PEF states that the discovery responses at issue contain confidential competitive business information regarding contracts, bids, and proposals between PEF and fuel suppliers, as well as PEF's analysis of those contracts and proposals. PEF states that public disclosure of the information in question would violate confidentiality agreements between PEF and fuel suppliers and would impair PEF's ability to contract for services such as fuel supply on competitive and favorable terms. PEF negotiates with potential fuel suppliers and transportation companies to obtain competitive contracts for fuel options that provide economic value to PEF and its ratepayers. In order to obtain such contracts, PEF must be able to assure fuel suppliers and transportation companies that sensitive business information, such as the quantity and pricing terms of their contracts, will be kept confidential.

Upon review, it appears that the above-referenced information contained in PEF's responses to Interrogatory Nos. 1, 8, 9, 11, 16, 17-27, 30-35, 39, 40, 42, and 44-48 from Staff's First Set of Interrogatories to Progress Energy Florida, Inc. (Nos. 1-51) and PEF's responses to Staff's First Request for Production of Documents to Progress Energy Florida, Inc. (Nos. 1-4), satisfy the criteria set forth in Section 366.093(3), Florida Statutes, for classification as proprietary confidential business information and shall be treated as confidential. In particular, the information constitutes "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." Thus, this information is granted confidential classification.

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 Rudolph "Rudy" Bradley, as Prehearing Officer, that Progress Energy Florida, Inc.'s Amended Second Request for Confidential Classification of Document Nos. 01170-05, 01655-05, and 03874-05 is granted. It is further

ORDERED that the information in Document Nos. 01170-05, 01655-05, and 03874-05 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 Rudolph "Rudy" Bradley, as Prehearing Officer, this 28th day of April, 2005.



RUDOLPH "RUDY" BRADLEY
Commissioner and Prehearing Officer

(SEAL)

RG

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.