

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidential classification of certain information contained in the report entitled Review of Customer Property Damage Claims of Florida's Four Major Investor-Owned Electric Utilities and in the auditor work papers, by Progress Energy Florida, Inc.

DOCKET NO. 090041-EI
ORDER NO. PSC-09-0173-CFO-EI
ISSUED: March 24, 2009

ORDER GRANTING PROGRESS ENERGY FLORIDA INC.'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION

On January 12, 2009, Progress Energy Florida, Inc. (PEF), filed a request for confidential classification of certain information provided during Commission staff's review of customer data security (Document No. 00278-09). On January 15, 2009, PEF revised its request for confidential classification, requesting confidential treatment of Document No. 00412-09 in place of Document No. 00278-09.

PEF seeks to protect from public disclosure its responses to Data Requests 1, 2, and 3 and certain information contained Document No. 00412-09, as set forth in Attachment A, attached to this Order and incorporated herein by reference. PEF states that the information identified in Attachment A is "proprietary confidential business information" within the meaning of Section 366.093(3), F.S. Further, PEF states that if the information were to be made public, it could be used to attempt to breach PEF's data security policies and procedures. In addition, PEF states that the information relates to sensitive customer information, the disclosure of which could impair data security interests for both PEF and its customers. Finally, PEF states that the information is intended to be and is treated as confidential by the company.

Florida law presumes that documents submitted to governmental agencies shall be public records. The only exceptions to this presumption are the specific statutory exemptions provided in the law and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. Rule 25-22.006(4)(c), F.A.C., provides that it is the company's burden to demonstrate that the documents fall into one of the statutory examples set out in Section 366.093(3), F.S., or to demonstrate that the information is proprietary confidential information, the disclosure of which will cause the company or its ratepayers harm.

Section 366.093(3), F.S., in pertinent part, provides:

Proprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or

DOCUMENT NUMBER-DATE

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private agreement that provides that the information will not be released to the public.

Section 366.093(3)(c), F.S., states that proprietary confidential business information includes “[s]ecurity measures, systems, or procedures.” Section 366.093(3)(e), F.S., states that proprietary confidential business information includes “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.”

Upon review, I find that the information contained in Document No. 00412-09 identified in Attachment A is proprietary business information pursuant to Section 366.093(c) and (e), F.S. Accordingly, FPL’s request for confidential classification is hereby granted for the information contained in Document No. 00412-09 identified in Attachment A. The material shall have confidential protection for 18 months.

Based on the foregoing, it is

ORDERED by Commissioner Nancy Argenziano, as Prehearing Officer, that Progress Energy Florida Inc.’s Request for Confidential Classification is granted. It is further

ORDERED that pursuant to Section 366.093, F.S., and Rule 25-22.006, F.A.C., the confidentiality granted to material specified herein shall expire eighteen (18) months from the date of the issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 366.093, F.S. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period. It is further

ORDERED that this docket shall be closed.

By ORDER of Commissioner Nancy Argenziano, as Prehearing Officer, this 24th day of March, 2009.



NANCY ARGENZIANO
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.

PROGRESS ENERGY FLORIDA

| DOCUMENT/RESPONSES | PAGE/LINE |
|---|---|
| <p>FPSC Review of Customer Property Damage Claims of the 4 Major Investor Owned Utilities</p> | <p>Page 11-Executive Summary Exhibit 1-Chart</p> <p>Page 11-Executive Summary-Paragraph 2 Line #5</p> <p>Page 51-Exhibits 11 & 12 Exh. 12-Paragraph #1 Exh. 13-Paragraph #1 Exh. 13-Chart</p> <p>Page 52- ¶ 1-Lines 4-5 Page 52-Exh. 14-Chart Page 55-Paragraph 3-Lines 2&3</p> <p>Appendix A, PEF information on Pages 76-78</p> |
| <p>Staff Audit Work Papers – (PEF 2007 Top 10 Cause Codes)</p> | <p>Page 1-Chart 1-Total # Claimed Page 1-Chart 1-Total # Paid Page 1-Chart 2-Total # Paid % Page 1-Chart 3-Total \$ Paid Page 2-Columns 3-8 Page 3-Column 3-6 Page 5-Columns 2-4 Bottom of page: Outage, Open Neutral & Weather Page 6-Line #1-\$ Amount Page 7 - All Page 8 - All Page 9 - All Page 10-2007-Jan.-Aug. Page 10-2008-Jan.-Aug Page 12-All Page 13-All Page 14-All Page 15-Columns 2&3 Page 16-Amount Paid Column Page 16-Total Amount Paid Page 16-Avg/Year Total Page 16-Avg/Claim Total</p> |

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| | <p>Page 16-Chart Page 18-Amount Paid Column Page 18-2nd Chart Page 20-All Page 22-Columns 3&4 Page 23-Columns 4-6 Page 24-Columns 2-4 Page 25-Chart Page 26-Chart Page 27-Chart Page 28-Chart</p> |
| Staff Audit Workpapers (PEF Sample 90) | <p>Page 1-Item 1-Line 6 Page 1-Item 3-Line 2 Page 1-Item 28-Line 5 Page 1-Item 36-Line 4 Page 2-Item 47-Line 3 Page 2-Item 48-Line 3 Page 2-Item 49-Line 4 Page 2-Item 74-Line 7 Page 3-Item 5-Line 3 Page 3-Item 6-Line 3 Page 3-Item 7-Line 6 Page 3-Item 8-Line 7 Page 3-Item 37-Line 4 Page 4-Item 50-Line 6 Page 4-Item 51-Line 7 Page 4-Item 52-Line 3 Page 4-Item 53-Line 3 Page 4-Item 76-Line 2 Page 5-Item 78-Line 5 Page 5-Item 10-Line 2 Page 5-Item 11-Line 2 Page 5-Item 12-Line 7 Page 5-Item 28-Lines 1&9 Page 6-Item 29-Line 6 Page 6-Item 54-Line 5 Page 6-Item 56-Line 5 Page 7-Item 79-Line 3 Page 7-Item 80-Line 5 Page 7-Item 13-Line 5 Page 7-Item 14-Line 7 Page 7-Item 15-Line 3 Page 8-Item 16-Line 6 Page 8-Item 30-Lines 2&7 Page 8-Item 31-Line 5 Page 8-Item 40-Line 5</p> |

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| | <p>Page 8-Item 41-Line 6 Page 8-Item 58-Line 5 Page 9-Item 59-Line 4 Page 9-Item 60-Line 9 Page 9-Item 61-Line 4 Page 9-Item 82-Line 7 Page 9-Item 83-Line 3 Page 10-Item 84-Line 8 Page 10-Item 18-Line 5 Page 10-Item 19-Line 8 Page 11-Item 20-Line 8 Page 11-Item 32-Line 7 Page 11-Item 33-Line 7 Page 11-Item 42-Line 6 Page 12-Item 43-Line 6 Page 12-Item 62-Line 7 Page 12-Item 64-Line 4 Page 12-Item 65-Line 5 Page 12-Item 66-Line 4 Page 13-Item 85-Line 3 Page 13-Item 86-Line 3 Page 13-Item 87-Line 4 Page 13-Item 21-Line 6 Page 13-Item 22-Line 3 Page 13-Item 23-Line 3 Page 13-Item 34-Line 4 Page 14-Item 35-Line 6 Page 14-Item 44-Line 7 Page 14-Item 45-Line 4 Page 14-Item 67-Line 4 Page 15-Item 69-Line 7 Page 15-Item 70-Line 3 Page 15-Item 71-Line 4 Page 15-Item 88-Line 6 Page 15-Item 89-Line 6 Page 16-Item 90-Line 5</p> |
| <p>Staff Audit Workpapers (Bureau of Performance Analysis - Interview Summary)</p> | <p>Mazer-Page 1-(2)(c)-Lines 1-3 Mazer-Page 1-(2)(d)-Line 1 Mazer-Page 1-(2)(k)-Line 5 Mazer-Page 2-(3)(a)-Lines 1-2 Mazer-Page 2-(3)(d)-Line 1 Mazer-Page 2-(3)(i)-Line 5</p> <p>Shelton-Page 3-(2)(c)-Line 1 Shelton-Page 3-(2)(g)-Lines 1-3 Shelton-Page 3-(3)(a)-Lines 2-3</p> |

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| | <p>Shelton-Page 4-(3)(c)-Lines 1-3</p> <p>Bentley-Page 5-(2)(e)-Lines 5&6 Bentley-Page 5-(2)(g)-Lines 1&2 Bentley-Page 6-(3)(d)-Lines 5&6 Bentley-Page 6-(3)(f)-Lines 1&2</p> <p>Masi-Page 7-(2)(b)-Line 1 Masi-Page 7-(2)(c)-Line 3-4 Masi-Page 7-(2)(e)-Paragraph Masi-Page 7-(3)(b)-Line 1 Masi-Page 7-(3)(c)-Line 3-4 Masi-Page 7-(3)(d)-Line 3</p> <p>Phillips-Page 9-(2)(b)-Line 2-3 Phillips-Page 9-(3)(a)-Line 2-3 Phillips-Page 10-(2)(d)-Line 1</p> |
| <p>Staff Audit Workpapers (Bureau of Performance Analysis - Document Summary and Control Log)</p> | <p>Page 1 -Doc. DR-1.1 -Lines 4-6 Page 1-Doc. DR-1.2-Lines 2-8 And Lines 10-12 Page 2-DR-1.3-Lines 1, 2 & 10 Page 2-DR-1.4-Lines 6&7 Page 2-DR-1.5-Lines 4&5 Page 3-DR-1.5-Lines 1-4 Page 3-DR-1.6-Lines 3&4 Page 4-DR-1.9-Lines 1, 4, 8&9 Page 6-DR-2.1-Lines 3, 4 & 5 Page 7-DR-2.6-Lines 1&2 Page 8-DR-2.8-Lines 1-5,7-9 Page 8-DR-2.8-Lines 1-5,7-9 Page 8-DR-2.9-Line 9 Page 8-DR-2.10-Lines 1&2 Page 9-DR-2.12-All Page 9-DR-2.13-All Page 10-DR-2.13-All</p> |
| <p>PEF Responses to DR-1 (Damage Claims Audit)</p> | <p>DR-1, Exhibit 9, Page 43-48 DR-1, Exh. 14-Page 2-17</p> |