

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear cost recovery clause.

DOCKET NO. 100009-EI  
ORDER NO. PSC-10-0534-PCO-EI  
ISSUED: August 19, 2010

ORDER EXCUSING PROGRESS ENERGY FLORIDA, INC. FROM  
EVIDENTIARY HEARING ON CONFIDENTIALITY AND GRANTING REVISED  
CONFIDENTIALITY REQUESTS

On August 2, 2010, Order No. PSC-10-0482-PCO-EI, was issued setting a Confidentiality Evidentiary Hearing for August 20, 2010, to consider confidentiality requests for all testimony and hearing exhibits that are to be used during the Nuclear Cost Recovery Hearing (main hearing). On August 11, 2010, prior to the Prehearing Conference for the main hearing, Office of Public Counsel (OPC) and Progress Energy Florida, Inc. (PEF) entered into agreement addressing certain concerns OPC had with confidential requests. Staff also provided a list of concerns it had regarding the confidentiality of portions of staff's audit report, and certain exhibits to testimony. At the Prehearing Conference, additional concerns were identified as requiring additional testimony prior to my being able to grant or deny confidentiality.

On Monday, August 17, 2010, PEF filed a revised request for confidential treatment of the staff audit report, testimony, and exhibits. In so doing, PEF withdrew most of its request for confidential treatment of those items for which concerns were raised. PEF supplemented its affidavit to explain the remaining confidential requests. Having thoroughly reviewed the PEF revised requests for confidential treatment and revised affidavit explaining the remaining confidentiality requests, I find that no additional testimony or evidence is needed for me to reach a decision regarding PEF's confidentiality requests for the main hearing. Accordingly, PEF is excused from the August 20, 2010, Evidentiary Hearing on Confidentiality. Additionally, with the exception of one item identified below (data that was previously disclosed in the original redacted copy of the Staff Audit Report), the PEF revised request for confidential treatment of the staff audit report, testimony, and exhibits is hereby granted:

Exception 1: Staff Audit Report, P. 57, Section 4.1.1, "365" (the number of the days).

Furthermore, specifically with respect to the PEF revised request for confidential treatment of the Staff Audit Report, PEF is commended for voluntarily agreeing to disclose previously redacted information above and beyond that which was required to address Commission staff concerns. Proactively taking such action reflects positively upon PEF to the extent that it resolves differences in favor of transparency when possible to do so, and promotes administrative efficiency in the hearing process.

Based on the foregoing, it is

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ORDERED that the Progress Energy Florida, Inc.'s revised request for confidential treatment of the staff audit report, testimony, and exhibits is hereby granted with the exception of the one item identified in the body of this Order. It is further

ORDERED that Progress Energy Florida, Inc. is excused from the August 20, 2010, Evidentiary Hearing on Confidentiality.

By ORDER of Commissioner Nathan A. Skop, as Prehearing Officer, this 19th day of August, 2010.



NATHAN A. SKOP

Commissioner and Prehearing Officer

(SEAL)

LCB

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 25-22.0376, 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.