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**DATE:** March 16, 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)  
**RE:** Docket 040001, In Re: Fuel and Purchased Power Recovery Clause, Request Confidential Treatment for Document 09882-03

On April 11, 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) Fuel Adjustment Audit of the Twelve Months ended December 31, 2002, Audit Control No. 03-034-2-2" 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 7, 2003, and as corrected on May 28, 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-03-1298-CFO-EI, issued November 13, 2003, granted Progress Energy, Inc.'s, request.

On October 9, 2003, staff filed testimony for use at hearing including one confidential page of the audit report, portions of which were found as confidential by Commission Order PSC-03-1298-CFO-EI. Specifically, page 6 of 8 of exhibit JWR-2 reports confidential information provided within disclosure 2 of the Progress Energy Fuel Adjustment staff audit report. Staff's filed testimony included a copy with sensitive information highlighted (document 09882-03) and a redacted public copy (document 09878-03).

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.

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- JTH \_\_\_\_\_

Please hold document 09882-03 as confidential for the same classification period granted by Commission Order PSC-03-1298-CFO-EI.

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

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