



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: July 8, 2004

TO: Jennifer Rodan, Attorney, General Counsel

FROM: Division of Regulatory Compliance and Consumer Assistance (Freeman, Vandiver) *F* *a*

RE: Docket 031057-EI, Recommendation concerning Progress Energy Florida Inc.'s (Progress Energy's) request for confidential classification concerning a portion of the staff audit report, working papers and Progress Energy's response to the staff audit report prepared during "Progress Energy Florida Waterborne Transportation Audit for the Year Ended December 31, 2003", Audit Control No. 04-028-2-1, Documents Numbered 04159-04, 04160-04, 04472-04 and 05848-04 *AAA*

On March 30, 2004, when copies of certain portions of staff's audit report and working papers obtained or prepared during the "Progress Energy Florida Waterborne Transportation Audit for the Year Ended December 31, 2003", were delivered to Progress Energy 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 April 7, 2004, staff filed documents 04159-04 and 04160-04 consisting of those specified portions of the staff audit report and working papers.

On April 13, 2004, Progress Energy filed a response to staff's Waterborne Transportation audit as well as a "Notice of Intent to Request Confidential Classification", a complete copy of the response with the sensitive portions highlighted (Document 4472-04) and a public copy of the response with the sensitive portions redacted (Document 04471-04).

On May 21, 2004, Progress Energy 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 by the staff during the audit receive confidential classification. The utility's request included redacted copies for public inspection (Document 05849-04) and highlighted copies (Document 05848-03).

On May 21, 2003, Progress Energy filed a request pursuant to Section 366.093, F.S., and Rule 25-22.006, FAC, that selected portions of the response to the audit also receive a confidential classification.

DOCUMENT NUMBER-DATE
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Documents 04159-04, 04160-04, 04472-04 and 05848-04 are currently held by the Commission's Division of the Commission Clerk and Administrative Services as confidential pending resolution of Progress Energy's requests for confidential classification.

Pursuant to Section 119.07, F.S., documents submitted to this Commission are public records. The only exceptions to this law are specific statutory exemptions and exemptions granted by governmental agencies pursuant to the specific items of a statutory provision. Subsection 366.093(3)(d), F.S., provides the following exemption:

Subsection 366.093, F.S., 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 private agreement that provides that the information will not be released to the public. Proprietary confidential business information includes but is not limited to:

....

(d) Information 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...."

According to Section 366.093, F.S., and Rule 25-22.006, FAC, the utility has the burden of demonstrating that materials qualify for confidential classification. According to Rule 25-22.006, FAC, the utility must meet this burden by demonstrating that the information is proprietary confidential business information, the disclosure of which will cause the utility, the provider of the information or the ratepayer harm.

Staff Analysis of the Requests

Late-Filed Requests

The Progress Energy request for confidential classification of staff's audit report and working papers is late-filed. Rule 25-22.006(3)(a)2., FAC, in part, provides:

"....Absent good cause shown failure to file such a request within 21 days [from the audit exit conference] shall constitute a waiver of confidentiality."

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The request for confidential classification of Progress Energy's response to the Waterborne Transportation audit is also-late filed. Rule 25-22.006(3)(a)1., FAC, in part, provides:

“...To maintain continued confidential handling of the material the utility or other person must, within 21 days after staff has obtained the material, file a request for confidential classification with the Division of Records and Reporting. Absent good cause shown, failure to file such a request within 21 days shall constitute a waiver of confidentiality.”

For the audit materials involved here, the audit exit conference was held on March 31, 2004, and the request for confidential classification was filed on May 21, 2004. The audit response and a notice of intent to request confidential classification was filed on April 13, 2004, and the actual request for confidential classification was filed on May 21, 2004. Both requests for confidential classification were filed past the deadline.

Progress Energy asserts the late-filings were due to “office transition and relocation of key personnel” involved in coordinating the review and designation of confidential information for the audit which led to an inadvertent oversight in monitoring the deadline for requesting confidential classification of audit materials.

Progress Energy pleads that, even though late-filed, the request should be heard on its merits due to the principle of “excusable neglect” which provides that the law favors allowing a party to have its controversy decided on the merits. Progress Energy believes and represents “...that no party or interested person has been or will be prejudiced by this filing lapse, and that to the contrary, the interest or the Company's customers has been and will continue to be served by maintaining the confidentiality of the information subject to this request.”

Progress Energy cites two prior Commission decisions where late filings were excused as well as five general cases involving other matters where late filings were excused:

Commission Order PSC No. 96-0406-FOF-TL, Docket No. 940495-WS, issued March 21, 1996. A utility's request for confidential classification filed 8 days late due to “an inadvertent clerical error” was heard and the late filing was excused.

Commission Order PSC No. 96-0569-FOF-TL, Docket No. 960191-TL, issued May 1, 1996. A utility's filing of regulatory assessment fees filed one day late generated a sizable penalty due to the late filing. The utility claimed the fee was not delivered timely due to “an unusually heavy workload” and “a number of illnesses that resulted in absences of office personnel.” The Commission decided to waive the penalty on the basis of excusable neglect.

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Case No. 4D00-3731, Court of Appeal of Florida, Fourth District.

Ruby, Inc., filed suit against Lloyd's Underwriter's at London and effected service through the Florida Department of Insurance on June 8, 2000. On July 5, 2000, Ruby filed a motion for a judgment by default since Lloyd's had not responded. The clerk entered the default on July 13, 2000. On July 17, Lloyd filed a motion to set aside the default, explaining the circumstances which caused the late motion and providing a meritorious defense. The trial court denied Lloyd's motion to set aside the default, ruling that while Lloyd had provided a meritorious defense and exercised due diligence once it had discovered the error, it had not established "excusable neglect". The Fourth District Florida Court of Appeals reversed the trial court's decision and remanded the case back to the trial court. In its decision, the District Court described the policy concerning late filings as "Florida policy favors setting aside of defaults so that controversies may be decided on the merits." The District Court also pointed out "if there be any reasonable doubt in the matter, it should be resolved in favor of granting the application and allowing a trial upon the merits." The court also said such matters are assessed upon a gross abuse of discretion standard.

Case 98-4028, Court of Appeal of Florida, Fourth District.

Marcelle Parker rented a Ryder Van in California from Shurgard Storage Centers, Inc., for the purpose of moving from California to Florida. Ms. Parker alleges she was told contents of the van were covered in the event of theft. During the trip from California to Florida, the van was stolen in Houston, Texas, along with Ms. Parker's possessions. Ms. Parker sued. Shurgard and Ryder were served in February 1998. While Ryder moved to dismiss, Shurgard failed to reply. Ms. Parker sought and obtained a default judgment against Shurgard in the amount of \$122,749.00. Five days later, Shurgard asked the trial court to vacate providing a description of the circumstances causing the error and affirmative defenses, but the trial court denied the motion. The Circuit Court reversed and remanded the matter for decision, amongst other things citing "where inaction results from clerical or secretarial error, reasonable misunderstanding, a system gone awry or any other of the foibles to which human nature is heir, then upon timely application accompanied by a reasonable and credible explanation, the matter should be permitted to be heard on the merits."

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Case No. 98-0503, Court of Appeal of Florida, Fourth District.

Gateway American Bank of Florida cashed three forged checks drawn on Lucky Jet's account. Lucky Jet sued. Properly served on October 6, 1997, Gateway Vice President Regina Waterhouse forwarded the complaint to the then Gateway President Randall Bensten who was replaced four days later by John Lyons. Due to the turmoil caused by the turnover the complaint was not referred to counsel. Since Gateway failed to answer the complaint, Lucky Jet set a hearing for entry of a default judgment and furnished notice to Gateway on November 21, 1997; however, the notice was not addressed to any specific officer of the bank. The motion was reset for December 1, 1997. In the meantime, Gateway rediscovered the October 6 service and realized that it had not responded to the suit and moved to set the default aside on December 3, 1997, providing an explanation of the error and affirmative defenses. The trial court refused to set aside the default judgment. The District Court reversed finding, in part, "excusable neglect exists where a corporation shows by affidavit that it has established a corporate policy but such policy was not followed...."

Case No. 91-03565, Court of Appeal of Florida, First District, Florida West Coast Railroad vs. Dwight Maxwell and Luewenia D. Maxwell.

When the president of West Coast Railroad, Clyde Forbes, received the Maxwell complaint, he asked his secretary to forward the complaint to corporate counsel. His secretary failed to do so and no answer was filed. Mr. Forbes also did not ensure that the papers reached counsel because he was out of town accompanying his wife while she underwent cancer treatment in New York City. When Forbes returned and discovered that a default judgment was entered, he contacted counsel who filed a motion to set the default judgment aside. The trial court denied the motion and let the default judgment stand. The District Court reversed and remanded stating "In light of the unrefuted circumstances described in the Forbes affidavit, appellant has established excusable neglect. We also reject the appellee's contention that other factors, not ruled on by the trial court, i.e., meritorious defense and due diligence, could support the judgment..."

Case No. 90-1718, 90-2767 Consolidated, Court of Appeal of Florida, First District.

Florida Department of Environmental Regulation granted permits to TSI Southeast, Inc., to build an incinerator to burn biohazardous medical waste in Jasper, Florida. The Hamilton Board of County Commissioners objected. Amongst other proceedings, the Hamilton Board was directed by rule to file exceptions to a recommended order within 15 days with the Department of Environmental Regulation's Office of General Counsel or the exceptions would be rejected. The Hamilton Board filed its exceptions with the Division of Administrative Hearings within 15 days, but this filing was made to the wrong agency. On the 16th day, the Hamilton Board filed with the General Counsel. The Department of Environmental Regulations struck the Board's Exceptions as late. The District Court of Appeal reversed this decision and cited another case providing, in part, "...though seemingly mandatory the use of the word "shall," is designed simply to further the orderly conduct of business, the provision is generally deemed directory only. Like the courts in a civil proceeding faced with untimely filed answers or responses, the DOAH has discretion to extend the time for filing of a responsive pleading, notwithstanding that the rule governing the particular pleading uses mandatory language as to time requirements for filing."

Further, Progress Energy asserts that if this information concerning fuel and transportation costs and prices is released, the customers will ultimately have to bear the costs if the resultant price of delivered fuel to power the utility electric plants increases.

Other than the late filings, Progress Energy has filed complete requests for confidential classification by providing full identification of the sensitive material, including public copies of the material with the sensitive information redacted, and by including a justification as to why the material should be granted a confidential classification.

Technical staff also notes this is the first pleading of "excusable neglect" Progress Energy has made regarding the confidential classification of audit materials.

The responsibility of recommending a disposition as to whether a filing is timely rests with the Office of General Counsel. As technical staff, we recommend that Progress Energy's late filing be excused because Progress Energy has reasonably explained why the filings were late, has recognized that a late-filing occurred and has appropriately responded, does not have a history of late filing, has explained why the filing should be considered, and asserts that release of this material may increase costs which are ultimately paid by the ratepayer.

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Progress Energy Waterborne Transportation Audit

Sensitive Materials -- Staff Auditor's Report and Working Papers

Reading the Progress Energy filing discussing the staff auditor's report and working papers reveals the sensitive parts of this material consists of:

1. Information revealing contractual prices or costs per ton for waterborne transportation;
2. Information revealing contractual prices or costs per ton for coal;
3. Contractual terms and adjustments concerning coal or waterborne transportation services;

Progress Energy asserts that if this information were public, suppliers would have a significant advantage and would no longer have to offer their best price for goods and services -- instead these suppliers could offer to only undercut known prices and costs. Any resulting higher costs would have to be passed on to the ratepayer.

4. Financial data concerning income from Progress Fuels Corporation (PFC) release of which would impair the ability of this affiliate to contract for goods and services.

Progress Fuel Corporation, an affiliate, sells fuel to the utility. The utility, Progress Energy, asserts that disclosure of Progress Fuels Corporation's detailed monthly and annual 2003 income statement information concerning the costs and prices set for fuels used by the utility's Crystal River plant site would harm the contracting ability of Progress Fuels Corporation and eventually increase costs to the ratepayer. This information is not otherwise publicly available. The utility asserts, disclosure of this information along with other publicly available information would provide suppliers with a contractual advantage when selling fuel or transportation services to the utility's fuel-purchasing affiliate Progress Fuel Corporation. The utility also asserts this information would also provide contracting advantages to its competitors. Such an advantage would result in higher fuel costs to the affiliate which eventually would be passed on to the utility and ultimately to the ratepayer.

5. Market price proxies or weighting factors used to calculate the proxy.

Progress Energy asserts that disclosure of the 2003 waterborne transportation allowance, also termed "transportation market proxy for 2003", coupled with publicly available delivered prices of waterborne coal, would enable existing and potential coal suppliers to readily determine the commodity price of the coal purchased by Progress Fuels Corporation in 2003. Progress Energy also asserts that release of the price of coal paid by its affiliate would allow suppliers a significant competitive advantage in bidding for PFC's future coal purchases. Suppliers could then avoid bidding their lowest price and instead simply undercut the existing known price.

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Sensitive Materials –Progress Energy Response to the Waterborne Transportation Audit

Reading the utility's request to hold certain portions of its response to the audit reveals the sensitive materials consist of:

1. Contractual rate and total costs paid by the companies affiliated coal and transportation supplier, Progress Fuels Corporation

Progress Energy asserts its response to the audit describes the contractual rate and total costs paid by progress Fuels Corporation under each contract for coal waterborne transportation in 2003 in component part and in aggregate. Disclosure of this information would provide existing and potential suppliers of waterborne transportation, rail transportation and knowledgeable coal suppliers with a competitive advantage providing bids or negotiating for future goods and services. The utility asserts knowledge of these detailed waterborne transportation costs would provide the rail transportation supplier with the information needed to gain competitive advantages in order to provide rail service to transport coal. In addition, because the delivered prices of coal are public and armed with the reported transportation costs, knowledgeable coal suppliers could determine the price of coal paid thus gaining a competitive advantage in future bids and negotiations for coal.

2. Specific commodity prices in two coal supply contracts including a description that all other coal supply contracts fall between the ranges of these two prices.

Progress Energy asserts knowledge of this coal supply information would allow coal suppliers to avoid bidding their lowest price and allow them, instead to merely beat the existing price, thus providing a competitive advantage to the existing and potential coal suppliers.

Information held as confidential

Lastly, Progress Energy asserts this sensitive coal, coal transportation, contractual and financial information contained within staff's audit report, staff's working papers and in the company response to the waterborne transportation audit is intended to be and is treated by the company as private and the information has not been publicly disclosed.

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Prior orders granting confidential classification to similar materials

Progress Energy reports the Commission has previously allowed these types of information a confidential classification. Each month, Progress Energy files information concerning its fuel and transportation costs using "PSC Form 423", and each month, Progress Energy requests a confidential classification for similar sensitive fuel and transportation information. In addition, Progress Energy has requested a confidential classification for audit materials dealing with fuel and transport costs obtained in previous audits and investigations of coal, rail transportation and waterborne transportation costs. Progress Energy cites the following specific orders as granting this type of contractual information a confidential classification.

Order No. PSC-03-0036-CFO-EI, Docket No. 030001-EI, Issued January 6, 2003.

Confidential classification was granted to portions of the answers to staff's interrogatories which revealed unit costs of rail and water coal transportation.

Order No. PSC-03-1298-CFO-EI, Docket No. 030001-EI, Issued November 13, 2003.

Confidential classification was granted to portions of staff's audit report and working papers which disclosed the "waterborne transportation market proxy price", and information which could be used to calculate this proxy.

Order No. PSC-03-0035-CFO-EI, Docket No. 030001-EI, Issued January 6, 2003.

Confidential classification was granted to portions of the answers to staff's interrogatories which disclosed the basic component of the contract commodity pricing mechanism "commodity price", and the cost per ton of coal transportation by rail and water.

Order No. PSC-03-1184-CFO-EI, Docket No. 030001-EI, Issued October 21, 2003.

Confidential classification was granted to portions of staff's audit working papers which disclosed price per ton paid for coal and waterborne coal transportation, the dollar amounts and related tonnages from which price per ton can be readily calculated, sensitive contractual terms and specifications, and monthly and annual data for from the income statement of Progress Fuels Corporation pertaining to the portion of its business dedicated to the procurement and delivery of coal to Progress Energy's Crystal River plant site.

Staff agrees release of this type of coal, coal transportation, contractual and financial information would impair the ability of the utility and its affiliates to favorably contract for goods and services and would ultimately result in increased delivered fuel prices to the ratepayer. Section 366.093(d), F.S., provides that the Commission may grant a confidential classification if release of information would impair the ability of a utility or its affiliates to favorably contract for goods and services. Section 366.093, F.S. provides that if release of information would harm the ratepayer, the Commission may grant a confidential classification.

Duration of the Confidential Classification Period

Progress Energy requests that this material be granted a confidential classification period for 18 months and further requests that the material be returned to the utility once the information is no longer needed by the Commission to conduct its business. However, we note the Commission staff's working papers for this type of audit are retained on file by the Commission for 25 years.

According to the provisions of Section 366.093(4), F.S., absent good cause shown, confidential classification is limited to 18 months. Without cause shown for a longer period, we recommend that the period of confidential classification be set as 18 months. As deemed necessary, the utility may request an extension of the confidential classification before the period tolls.

Staff Recommendation

Based upon reading the filing, and for the reasons presented above, we recommend the utility's request be granted and that the identified material be granted a confidential classification for 18 months. A detailed recommendation follows:

Detailed Recommendation

Utility Page Number	Staff Work Paper Number	Page(s)	Line(s)	Recommend	Type of Information Classified Confidential
1	1 (Report)	5	6 Marked Fields	Grant	Transportation allowance
2	1 (Report)	6	2 Marked Fields	Grant	Coal costs or prices
3	2A	1	Cols. Jan-June	Grant	Detailed financial data of affiliate coal supplier
4	2A	2	Cols. Jan-June	Grant	Detailed financial data of affiliate coal supplier
5	2A	3	Cols. Jan-June	Grant	Detailed financial data of affiliate coal supplier
6	2A	4	Cols. Jan-June	Grant	Detailed financial data of affiliate coal supplier
7	2A	5	Cols. Jan-June	Grant	Detailed financial data of affiliate coal supplier
8	2B	1	Cols. Jul-Dec	Grant	Detailed financial data of affiliate coal supplier
9	2B	2	Cols. Jul-Dec	Grant	Detailed financial data of affiliate coal supplier
10	2B	3	Cols. Jul-Dec	Grant	Detailed financial data of affiliate coal supplier
11	2B	4	Cols. Jul-Dec	Grant	Detailed financial data of affiliate coal supplier

Utility Page Number	Staff Work Paper Number	Page(s)	Line(s)	Recommend	Type of Information Classified Confidential
12	2B	5	Cols. Jul-Dec	Grant	Detailed financial data of affiliate coal supplier
13	10-3A/2	1	28 Marked Fields	Grant	Waterborne transportation costs and prices
14	10-3A/3	1	Cols. Jul-Dec	Grant	Detailed financial data of affiliate coal supplier
15	10-3A/3	2	Cols. Jul-Dec	Grant	Detailed financial data of affiliate coal supplier
16	10-3A/3	3	Cols. Jul-Dec	Grant	Detailed financial data of affiliate coal supplier
17	10-3A/3	4	Cols. Jul-Dec	Grant	Detailed financial data of affiliate coal supplier
18	10-3A/3	5	Cols. Jul-Dec	Grant	Detailed financial data of affiliate coal supplier
19	10-3A/3	6	Cols. Jan-June	Grant	Detailed financial data of affiliate coal supplier
20	10-3A/3	7	Cols. Jan-June	Grant	Detailed financial data of affiliate coal supplier
21	10-3A/3	8	Cols. Jan-June	Grant	Detailed financial data of affiliate coal supplier
22	10-3A/3	9	Cols. Jan-June	Grant	Detailed financial data of affiliate coal supplier
23	10-3A/3	10	Cols. Jan-June	Grant	Detailed financial data of affiliate coal supplier
24	10-6	1	2 Marked Fields	Grant	Coal costs and prices
25	10-6	2	1 Marked Field	Grant	Coal costs and prices
26	10-6	3	2 Marked Fields	Grant	Coal costs and prices as well as contractual adjustments terms and specifications
27	10-6/1	1	6 Marked Fields	Grant	Coal costs and prices
28	10-6/3	1	2 Marked Fields	Grant	Coal costs and prices
29	10-6/3	2	2 Marked Fields	Grant	Coal costs and prices
30	10-6/3	3	1 Marked Field	Grant	Coal costs and prices
31	10-6/4	1	1 Marked Field	Grant	Coal costs and prices
32	10-6/4	2	2 Marked Fields	Grant	Coal costs and prices as well as contractual adjustments terms and specifications
33	10-6/4-1	1	2 Marked Fields	Grant	Coal costs and prices as well as contractual adjustments terms and specifications
34	10-7	2	5 Marked Fields	Grant	Coal and waterborne costs and prices

Utility Page Number	Staff Work Paper Number	Page(s)	Line(s)	Recommend	Type of Information Classified Confidential
35	10-7/1	1	7 Marked Fields	Grant	Coal and waterborne transportation costs and prices
36	10-7/1-1	1	3 Marked Fields	Grant	Contractual adjustments, terms and specifications
37	10-7/1-1	2	3 Marked Fields	Grant	Contractual adjustments, terms and specifications
38	10-7/2	1	19 Marked Fields	Grant	Contractual adjustments, terms and specifications
39	10-7/2	2	11 Marked Fields	Grant	Waterborne transportation costs and prices
40	10-7/3	1	3 Marked Fields	Grant	Waterborne transportation costs and prices
41	10-7/4	1	4 Marked Fields	Grant	Waterborne transportation costs and prices
42	10-8/1-1	1	Cols - Crystal River 1&2: Dollars, Cost Per Ton; Cols - Crystal River 4&5: Dollars, Cost Per Ton; Cols - Total Regulated: Dollars. Cost Per Ton	Grant	Detailed financial data of affiliate coal supplier
43	10-8/1-2	1	15 Marked Fields	Grant	Waterborne transportation costs and prices
44	10-8/1-2	2	31 Marked Fields	Grant	Waterborne transportation costs and prices
45	10-9/1	1	2 Marked Fields	Grant	Waterborne transportation costs and prices
46	10-9/1-1	1	6 Marked Fields	Grant	Waterborne transportation costs and prices
47	10-9/1-1	3	10 Marked Fields	Grant	Waterborne transportation costs and prices
48	10-9/1-1	4	10 Marked Fields	Grant	Waterborne transportation costs and prices
49	10-9/1-1	5	14 Marked Fields	Grant	Waterborne transportation costs and prices
50	10-11	1	2 Marked Fields	Grant	Waterborne transportation costs and prices as well as detailed financial data of affiliate coal supplier

Utility Page Number	Staff Work Paper Number	Page(s)	Line(s)	Recommend	Type of Information Classified Confidential
Documents 04159-04 and 05848-04					
51	10-11/1	1	6 Marked Fields	Grant	Waterborne transportation costs and prices as well as detailed financial data of affiliate coal supplier
52	10-12	2	Cols. Jul-Dec	Grant	Detailed financial data of affiliate coal supplier
53	10-12	3	Cols. Jul-Dec	Grant	Detailed financial data of affiliate coal supplier
54	10-12/1	1	1 Marked Field	Grant	Detailed financial data of affiliate coal supplier
55	10-12/1	2	10 Marked Fields	Grant	Detailed financial data of affiliate coal supplier
56	10-12/1	3	1 Marked Field	Grant	Detailed financial data of affiliate coal supplier
57	10-12/3	1	4 Marked Columns	Grant	Detailed financial data of affiliate coal supplier
58	10-12/3	2	4 Marked Columns	Grant	Detailed financial data of affiliate coal supplier
59	10-12/6	1	19 Marked Fields	Grant	Coal costs and prices
50	42	1	7 Marked Fields	Grant	Waterborne transportation costs and prices
51	42	2	17 Marked Fields	Grant	Waterborne transportation costs and prices
62	42	3	11 Marked Fields	Grant	Contractual adjustments, terms and specifications
63	42	4	5 Marked Fields	Grant	Waterborne transportation costs and prices
64	42	5	6 Marked Fields	Grant	Waterborne transportation costs and prices
65	42-1	1	69 marked Fields	Grant	Contractual adjustments, terms and specifications
66	42-2	1	5 Marked Fields	Grant	Contractual adjustments, terms and specifications
67	42-2	2	38 Marked Fields	Grant	Contractual adjustments, terms and specifications
68	42-2	3	56 Marked Fields	Grant	Contractual adjustments, terms and specifications
69	42-2	4	8 Marked Fields		Contractual adjustments,
70	42-3	1	21 Marked Fields	Grant	Waterborne transportation costs and prices
71	42-4	1	11 Marked Fields	Grant	Coal costs and prices

Utility Page Number	Staff Work Paper Number	Page(s)	Line(s)	Recommend	Type of Information Classified Confidential
Documents 04159-04 and 05848-04					
72	42-4	2	14 Marked Fields	Grant	Coal and waterborne transportation costs and prices as well as contractual adjustments, terms and specifications
73	42-4/1	1	2 Marked Fields	Grant	Coal costs and prices as well as contractual adjustments, terms and specifications
74	42-5	1	7 Marked Fields	Grant	Coal costs and prices
75	42-5	2	10 Marked Fields	Grant	Coal and waterborne transportation costs and prices as well as contractual adjustments, terms and specifications
76	42-5	3	12 Marked Fields	Grant	Coal costs and prices as well as contractual adjustments, terms and specifications
77	44-2	1	7 Marked Columns	Grant	Coal and waterborne transportation costs and prices
78	44-3/1	1	15 Marked Fields	Grant	Waterborne transportation costs and prices
79	44-3/1	2	18 Marked Fields	Grant	Waterborne transportation costs and prices
80	44-3/1	3	16 Marked Fields	Grant	Waterborne transportation costs and prices
81	44-3/1	4	12 Marked Fields	Grant	Waterborne transportation
82	44-3/1	5	12 Marked Fields	Grant	Waterborne transportation costs and prices
83	45	1	17 Marked Fields	Grant	Waterborne transportation costs and prices
84	45-1	1	18 Marked Fields	Grant	Coal costs and prices
85	45-1/1	1	10 Marked Fields	Grant	Coal costs and prices
86	45-2	1	39 Marked Fields	Grant	Waterborne transportation costs and prices
87	45-3	1	4 Marked Fields	Grant	Coal costs and prices
88	45-4	1	3 Marked Fields	Grant	Coal and waterborne transportation costs and prices
89	45-5	1	1 Marked Field	Grant	Waterborne transportation costs and prices

Utility Page Number	Staff Work Paper Number	Page(s)	Line(s)	Recommend	Type of Information Classified Confidential
Documents 04159-04 and 05848-04					
90	45-6	1	1 Marked Field	Grant	Waterborne transportation costs and prices
91	45-7	1	27 Marked Fields	Grant	Coal costs and prices
92	46	1	46 Marked Fields	Grant	Coal and waterborne transportation costs and prices
93	46-1	1	138 Marked Fields	Grant	Waterborne transportation costs and prices
94	46-1	2	31 Marked Fields	Grant	Waterborne transportation costs and prices
95	46-2	1	157 Marked Fields	Grant	Coal costs and prices
96	46-2	2	141 Marked Fields	Grant	Coal costs and prices
97	46-3	1	2 Marked Columns	Grant	Coal costs and prices
98	46-3	2	2 Marked Columns	Grant	Coal costs and prices
99	46-4	1	8 Marked Fields	Grant	Waterborne transportation costs and prices
100	46-4	2	2 Marked Columns	Grant	Waterborne transportation costs and prices
101	46-4	3	4 Marked Fields	Grant	Waterborne transportation costs and prices
102	46-5	1	27 Marked Fields	Grant	Waterborne transportation costs and prices
103	46-6	1	83 Marked Fields	Grant	Waterborne transportation costs and prices
104	46-6/1	1	81 Marked Fields	Grant	Contractual adjustments, terms and specifications
105	46-7	1	121 Marked Fields	Grant	Coal costs and prices as well as contractual adjustments, terms and specifications
106	46-7	2	20 Marked Fields	Grant	Coal costs and prices
107	46-7	3	37 Marked Fields	Grant	Coal costs and prices as well as contractual adjustments, terms and specifications
108	46-8	1	17 Marked Fields	Grant	Coal Costs and prices
109	47	1	4 Marked Fields	Grant	Transportation allowance
Response No. 1	N/A	1	8 Marked Fields	Grant	Contractual rate and total costs for coal contracts
Response No. 2	N/A	1	2 Marked Fields	Grant	Commodity prices for coal contracts
Attachment A	N/A	1	6 Marked fields	Grant	Contractual rate and total costs for coal contracts

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Progress Energy Waterborne Transportation Audit

A temporary copy of this recommendation will be held at I:05848-04.progressraf.doc for a short period.

CC: Division of Regulatory Compliance and Consumer Assistance (Rohrbacher)
Division of Commission Clerk and Administrative Services (Flynn)

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