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DATE: March 10, 2005
TO: Jennifer Brubaker, Office of the General Counsel
Jennifer Rodan, Office of the General Counsel
FROM: John Slemkewicz, Division of Economic Regulation JS
RE: Docket No. 041272-EI, Progress Energy Florida, Inc. - Confidentiality Request -
Document No. 01810-05

Lines 6 through 12 on Page 13 and lines 4 through 18 on Page 15 of Document No. 01810-05 (Brown Testimony) have been reviewed and the staff believes that none of the information identified in that document should be considered confidential.

Lines 6 through 12 on Page 13 represent an e-mail between PEF and its accountants, Deloitte & Touche. While this e-mail does not appear to disclose any harmful information, it does represent a communication that was intended to be and was treated by PEF and its accountants as private. However, the disclosure of this document fails to meet the test that it would also cause harm to the ratepayers, PEF or its accountants. (See section 366.093(3), Florida Statutes)

Lines 4 through 18 on Page 15 are excerpts from "variance" reports that show the differences between budgeted amounts and actual amounts incurred. Regardless of the confidentiality of the source documents themselves, the excerpts (verbiage and amounts) contained in Brown's testimony have been presented in a context that does not reveal any useful data that would compromise or impair PEF's competitive business interests if disclosed to the public.

CMP _____
COM _____ Therefore, staff recommends that the request for confidentiality for a portion of Brown's
CTR _____ testimony be denied.

ECR _____

GCL _____

OPC _____

MMS _____ cc: CCA - Bureau of Records and Hearing Services

RCA _____ Marshall Willis

SCR _____ Karla Barnes

SEC i

OTH Lockard

DOCUMENT NUMBER-DATE

02428 MAR 11 05

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Public Service Commission

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

DATE: February 22, 2005

TO: _____ OFFICE OF THE GENERAL COUNSEL
_____ DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT
XX _____ DIVISION OF ECONOMIC REGULATION
_____ DIVISION OF REGULATORY COMPLIANCE
_____ & CONSUMER ASSISTANCE

FROM: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCUMENT NO(s): 01810-05

DESCRIPTION: Progress (Burnett) - (CONFIDENTIAL) Portions of direct testimony and exhibits of Sheree L. Brown. [x-ref. DN 01129-05 filed by FIPUG]

SOURCE: Progress Energy Florida, Inc.

DOCKET NO(S): 041272-EI

The above material was received with a filing of a 4th request for confidential classification. Please prepare a recommendation for the attorney assigned to the case by completing the section below and forwarding a copy of this memorandum, together with a brief memorandum supporting your recommendation, to the attorney. Copies of your recommendation should also be provided to the Division of the Commission Clerk and Administrative Services, Bureau of Records and Hearing Services, and to the Office of General Counsel.

Please read each of the following and check if applicable.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
 - (a) Trade secrets;
 - (b) Internal auditing controls and reports of internal auditors;
 - (c) Security measures, systems, or procedures;
 - (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company to contract for services on favorable terms;
 - (e) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
 - (f) Tax returns or tax-related information;
 - (g) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.

The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.

The material appears not to be confidential in nature.

The material is a periodic or recurring filing and each filing contains confidential information.

Response prepared by: JH Sluskey

Date: 3-10-05

cc: GCL FLL
 CMP CCA
 ECR RCA
 MMS