

State of Florida



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

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. 01814-05

Staff has reviewed the voluminous documents identified as Document No. 01810-05 (certain deposition exhibits of Wimberly and Portuondo). Staff believes that the information identified in that document should be considered confidential.

The documents in question contain PEF's projected and estimated business budgets, budget variance projections, and business plans. Many of the individual elements of the documents do not appear to disclose any harmful information. When viewed as a whole, however, the documents do reveal information that could impair PEF's competitive business interests if disclosed to the public, to PEF's suppliers, or to PEF's competitors.

Therefore, staff recommends that the request for confidentiality for certain deposition exhibits of Wimberly and Portuondo be approved. However, any confidentiality requests related to the disclosure of specific excerpts from these documents should be reviewed separately.

CMP _____

COM _____

CTR _____

ECR _____

GCL _____ cc: CCA – Bureau of Records and Hearing Services

OPC _____ Marshall Willis

MMS _____ Karla Barnes

RCA _____

SCR _____

SEC _____

OTH _____

OTH Lockard

DOCUMENT NUMBER-DATE

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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): 01814-05

DESCRIPTION: Progress (Burnett) - (CONFIDENTIAL) Certain exhibits
attached to deposition transcripts of Mark Vincent Wimberly and
Javier Portuondo taken 1/24/05. [x-ref. DN 01812-05 for
Wimberly only.]

SOURCE: Progress Energy Florida, Inc.

DOCKET NO(S): 041272-EI

The above material was received with a filing of a 5th 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:

John Slubowitz

Date:

3-10-05

cc: GCL FLL
 CMP CCA
 ECR RCA
 MMS