

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for approval of storm cost recovery clause for recovery of extraordinary expenditures related to Hurricanes Charley, Frances, Jeanne, and Ivan, by Progress Energy Florida, Inc.	DOCKET NO. 041272-EI ORDER NO. PSC-05-0340-CFO-EI ISSUED: March 28, 2005
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ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION  
(DOCUMENT NO. 02587-05)

On March 16, 2005, pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Progress Energy Florida, Inc. (PEF) filed a request for confidential classification of portions of its responses to Staff's Third Request for Production of Documents (Nos. 12-13) (Document No. 02587-05).

Section 366.093(1), Florida Statutes, provides that "any records received by the commission which are shown and found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from [the Public Records Act]." Section 366.093(3), Florida Statutes, defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Section 366.093(3), Florida Statutes, provides that proprietary confidential business information includes, but is not limited to "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information" (subsection e).

PEF contends that portions of its responses to Staff's Third Request for Production of Documents fall within these categories and thus constitute proprietary confidential business information entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. In particular, PEF requests that the following information be granted confidential classification:

DOCUMENTS	PAGE/LINE	JUSTIFICATION
2005 Projected Budgets for Various Business Units	Bates Nos. PEF-SR-09865 through PEF-SR-09879: all information on pages	§366.093(3)(e), Fla. Stat. The information in question relates to PEF's competitive interests, the disclosure of which would impair PEF's competitive business interests.

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Energy Delivery Budget Charts	Bates Nos. PEF-SR-00328 through PEF-SR-00360: all information on pages	§366.093(3)(e), Fla. Stat.  The information in question relates to PEF's competitive interests, the disclosure of which would impair PEF's competitive business interests.
Customer Service Budget Documents and Charts	Bates Nos. PEF-SR-00361 through PEF-SR-00369: all information on pages	§366.093(3)(e), Fla. Stat.  The information in question relates to PEF's competitive interests, the disclosure of which would impair PEF's competitive business interests.
Supply Cost Reports	Bates No. PEF-SR-00370 through PEF-SR-00652: all information on pages	§366.093(3)(e), Fla. Stat.  The information in question relates to PEF's competitive interests, the disclosure of which would impair PEF's competitive business interests.
Financial Reviews and Reports	Bates No. PEF-SR-00653 through PEF-SR-00737: all information on pages  Bates No. PEF-SR-00740 through PEF-SR-00750: all information on pages  Bates No. PEF-SR-00752 through PEF-SR-00753: all information on pages  Bates No. PEF-SR-00755 through PEF-SR-00767: all information on pages	§366.093(3)(e), Fla. Stat.  The information in question relates to PEF's competitive interests, the disclosure of which would impair PEF's competitive business interests.

Bates No. PEF-SR-00770  
through PEF-SR-00791: all  
information on pages

Bates No. PEF-SR-00793  
through PEF-SR-00794: all  
information on pages

Bates No. PEF-SR-00796  
through PEF-SR-00799: all  
information on pages

Bates No. PEF-SR-00802  
through PEF-SR-00826: all  
information on pages

Bates No. PEF-SR-00828  
through PEF-SR-00837: all  
information on pages

Bates No. PEF-SR-00839  
through PEF-SR-00841: all  
information on pages

Bates No. PEF-SR-00845  
through PEF-SR-00852: all  
information on pages

Bates No. PEF-SR-00854  
through PEF-SR-00860: all  
information on pages

Bates No. PEF-SR-00862: all  
information on page

Bates No. PEF-SR-00864  
through PEF-SR-00866: all  
information on pages

Bates No. PEF-SR-00868  
through PEF-SR-00883: all  
information on pages

Bates No. PEF-SR-00886  
through PEF-SR-00896: all  
information on pages

Bates No. PEF-SR-00898  
through PEF-SR-00900: all  
information on pages

Bates No. PEF-SR-00902  
through PEF-SR-00908: all  
information on pages

Bates No. PEF-SR-00910  
through PEF-SR-00925: all  
information on pages

Bates No. PEF-SR-00928  
through PEF-SR-00937: all  
information on pages

Bates No. PEF-SR-00939  
through PEF-SR-00940: all  
information on pages

Bates No. PEF-SR-00944  
through PEF-SR-00945: all  
information on pages

Bates No. PEF-SR-00947: all  
information on page

Bates No. PEF-SR-00949  
through PEF-SR-00953: all  
information on pages

Bates No. PEF-SR-00955  
through PEF-SR-00975: all  
information on pages

Bates No. PEF-SR-00978  
through PEF-SR-01000: all  
information on pages

	<p>Bates No. PEF-SR-01002 through PEF-SR-01003: all information on pages</p> <p>Bates No. PEF-SR-01005 through PEF-SR-01012: all information on pages</p> <p>Bates No. PEF-SR-01014 through PEF-SR-01019: all information on pages</p> <p>Bates No. PEF-SR-01022 through PEF-SR-01045: all information on pages</p> <p>Bates No. PEF-SR-01047: all information on page</p> <p>Bates No. PEF-SR-01049 through PEF-SR-01056: all information on pages</p> <p>Bates No. PEF-SR-01058 through PEF-SR-01062: all information on pages</p> <p>Bates No. PEF-SR-01114 through PEF-SR-01121: all information on pages</p> <p>Bates No. PEF-SR-01123 through PEF-SR-01125: all information on pages</p> <p>Bates No. PEF-SR-01128 through PEF-SR-01129: all information on pages</p> <p>Bates No. PEF-SR-01131: all information on page</p> <p>Bates No. PEF-SR-01133 through PEF-SR-01136: all information on pages</p>	
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	Bates No. PEF-SR-01138 through PEF-SR-01157: all information on pages	
Internal Business Operations Plans	<p>Bates No. PEF-SR-02167: all information below Introduction</p> <p>Bates Nos. PEF-SR-02168 through PEF-SR-02182: all information on pages</p> <p>Bates No. PEF-SR-02184: all information below Outline</p> <p>Bates No. PEF-SR-02185 through PEF-SR-02194: all information on pages</p>	<p>§366.093(3)(e), Fla. Stat.</p> <p>The information in question relates to PEF's competitive interests, the disclosure of which would impair PEF's competitive business interests.</p>

PEF contends that this information is intended to be and is treated as private and has not been voluntarily disclosed to the public. PEF states that this information relates to PEF's projected budgets, budget variances, and internal business operations plans. According to PEF, disclosure of this information would impair PEF's competitive business interests. PEF states that if its suppliers or competitors were made aware of PEF's estimated budgets, budget variances, or internal business plans, they may adjust their behavior in the marketplace with respect to activities such as pricing and the acquisition and provision of goods, materials, and services.

Upon review, it appears that the above-referenced information contained in PEF's responses to Staff's Third Request for Production of Documents (Nos. 12-13) satisfies the criteria set forth in Section 366.093(3), Florida Statutes, for classification as proprietary confidential business information and, thus, shall be treated as confidential. In particular, the information constitutes "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." Thus, this information is granted confidential classification.

Pursuant to Section 366.093(4), Florida Statutes, the information for which confidential classification is granted herein shall remain protected from disclosure for a period of 18 months from the date of issuance of this order. At the conclusion of the 18 month period, the confidential information will no longer be exempt from Section 119.07(1), Florida Statutes, unless PEF or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

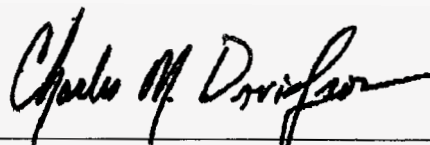
Based on the foregoing, it is

ORDERED by Commissioner Charles M. Davidson, as Prehearing Officer, that Progress Energy Florida, Inc.'s Request for Confidential Classification of Document No. 02587-05 is granted. It is further

ORDERED that the information in Document No. 02587-05 for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of issuance of this order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Charles M. Davidson, as Prehearing Officer, this 28th day of March, 2005.



CHARLES M. DAVIDSON  
Commissioner and Prehearing Officer

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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-

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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 Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, 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.