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COMMISSION CLERK

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

DATE: July 14, 2005

TO: Jennifer Brubaker, Office of the General Counsel

FROM: Andrew Maurey, Division of Economic Regulation *ALM*

RE: Docket No. 050078-EI, Petition for Rate Increase by Progress Energy Florida – Confidentiality Request – Document No. 06125-05

On June 29, 2005, Progress Energy Florida (PEF or Company) filed a request for confidential classification of Document No. 06125-05. Specifically, the Company requested confidential treatment for PEF's responses to:

OPC's 3rd set of interrogatories, Nos. 136(d) and 155; and
OPC's 3rd request for PODs, No. 111.

The proprietary business information in question deals with expected dividends, historical sales of common equity, and projected spending on equipment and materials.

Staff has reviewed Document No. 06125-05 and recommends PEF's request for confidential classification be granted in part and denied in part. The identified information in PEF's response to OPC's 3rd set of interrogatories No. 136(d) deals with expected dividends. The identified information in PEF's response to OPC's 3rd request for PODs, No. 111 deals with projected spending on equipment and materials. Staff is in agreement with the Company that "the information in question relates to PEF's competitive interests, the disclosure of which would impair PEF's competitive business interests." As such, staff believes this information should be

afforded confidential treatment under Section 366.093(3)(e), Florida Statutes. However, staff does not believe the same can be said for the remaining identified information.

The identified information in PEF's response to OPC's 3rd set of interrogatories, No. 155 deals with historical public sales of common equity by Progress Energy, Inc. This information can be discerned from publicly available filings the Company has made with the SEC and FERC.

Because the public sale of common equity is a matter of public record, staff disagrees with the Company that disclosure of this historical information would impair competitive business interests. For this reason, staff recommends PEF's request for confidential treatment of the historical information be denied.

In summary, staff recommends the Company's responses to OPC's 3rd set of interrogatories No. 136(d) and to OPC's 3rd request for PODs, No. 111 be afforded confidential treatment under Section 366.093(3)(e), Florida Statutes.

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Further, staff recommends PEF's request for confidential classification of the Company's response to OPC's 3rd set of interrogatories, No. 155 be denied.

cc: ~~CCA~~ Bureau of Records and Hearing Services
Marshall Willis
Denise Greene
Karla Barnes