



ORIGINAL

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: November 16, 2005
TO: Division of Commission Clerk and Administrative Services (Flynn)
FROM: Division of Regulatory Compliance and Consumer Assistance (Freeman, Vandiver)
RE: Docket No. 050001-EI, Request that Document No. 10097-05 be held in a confidential status until May 2, 2007, Audit Control No. 05-028-2-2

On October 5, 2005, when copies of certain of staff's audit working papers obtained or prepared during the "Progress Energy Florida Fuel Adjustment Clause for the Year Ended December 31, 2004", 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 October 18, 2005, staff filed Document No. 10097-05 consisting of those specified portions of the staff audit working papers.

On October 4, 2005, Progress Energy filed a request pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, FAC, that part of the sensitive working papers prepared by the staff during the audit receive confidential classification. The utility's request included redacted copies for public inspection (Document No. 09458-05) and highlighted copies (Document No. 09457-05). The sensitive information is contained within "a partially executed stipulation and settlement in Docket No. 031057-EI, which includes confidential information regarding rates for waterborne coal transportation services."

On October 12, 2005, the Office of General Counsel (Rodan) advised the Commission Clerk's office that the utility request on October 4, 2005, contained documents for which the utility has already received confidential classification by way of Order No. PSC-04-0705-CFO-EI. Thus, Document No. 09457-05 was granted confidential classification.

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- COM _____
- CTR _____
- ECR _____
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- RCA _____
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- SEC 1
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DOCUMENT NUMBER-DATE
11038 NOV 16 05
FPSC-COMMISSION CLERK

November 16, 2005
Progress Energy Rate Case Audit

On October 25, 2005, Progress Energy filed a request pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, FAC, that remaining portions of the sensitive working papers prepared by the staff during the audit receive confidential classification. The utility's request included redacted copies for public inspection (Document No. 10362-05) and copies with the sensitive information highlighted (Document No. 10361-05). The sensitive information is contained within a chart prepared by Commission auditors regarding rates for waterborne coal and coal transportation services.

On November 2, 2005, the Commission issued Order No. PSC-05-1090-CFO-EI which granted confidential classification for 18 months to Document No. 10361-05.

While the confidential status of Document Nos. 09457-05 and 10361-05 have been resolved, the confidential status of the original staff working papers remains at issue (Document No. 10097-05). Staff's original audit working papers consist of the partially executed stipulation agreement and the chart of waterborne coal and coal transportation services described above. Since the Commission has already granted confidential classification to this material, Document No. 10097-05 should be granted confidential classification until May 2, 2007.

CC: Division of Regulatory Compliance and Consumer Assistance (Rohrbacher)
Office of General Counsel (Rodan)