

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Progress
Energy Florida, Inc.

DOCKET NO. 050078-EI
ORDER NO. PSC-05-1178-CFO-EI
ISSUED: November 30, 2005

ORDER GRANTING CONFIDENTIAL CLASSIFICATION TO
DOCUMENTS NO. 06936-05, 08404-05 AND 06228-05

BY THE COMMISSION:

On June 30, 2005, when copies of certain of staff's audit working papers obtained or prepared during the "Progress Energy Rate Case Audit 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.

On July 13, 2005, staff filed documents 06228-05 consisting of those specified portions of the staff audit working papers. On July 28, 2005, Progress Energy filed a request pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, that selected portions of the working papers prepared by the staff during the audit receive confidential classification. The utility's request included a redacted copy for public inspection (Document No. 06937-05) and a copy on which the material believed to be confidential was highlighted (Document No. 06936-05).

On September 2, 2005, after discussions with the staff, Progress Energy reduced the size of its request and filed additional redacted copies for public use (Document No. 08405-05) and an additional copy of the material with the sensitive information highlighted (Document No. 08404-05).

Pursuant to Section 119.07, F.S., documents submitted to this Commission are public records. The only exceptions to this law are specific statutory exemptions and exemptions granted by governmental agencies pursuant to the specific items of a statutory provision. Subsection 366.093, F.S., provides:

Proprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. Proprietary confidential business information includes but is not limited to:

DOCUMENT NUMBER-DATE

11311 NOV 30 05

FPCO 0000000000

....

(e) Information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider of the information

Progress Energy identified the following working papers as containing sensitive business information: "Working Paper 8, Minutes of Board of Director's Meetings," "Working Papers 9-1 and 9-3, External Audit Information," and "Working Paper 10-22, Non Regulated Services." Progress Energy asserts that this sensitive information is treated by the company as private, the information has not been publicly disclosed, and if it were disclosed it would cause harm to the company's competitive interests.

Upon review of the filings, I find that portions of the Board of Director's minutes and information concerning non regulated services, if released, would cause harm to the competitive business of Progress Energy. I also find that release of the sensitive audit strategies and work program of Progress Energy's external auditor would harm the competitive business of that auditor in the marketplace. Therefore this material described below shall be granted confidential classification.

Staff Work Paper Number	Work Paper Title	Page	Line	Ruling	Type of Information Classified Confidential
8	Minutes of Board of Director's Meetings	Lead Memo	Area after "meeting"	Grant	Sensitive competitive business information
8	Minutes of Board of Director's Meetings	2	Area after "March 7 Minutes"; Area after "March 17, 2004 Minutes"	Grant	Sensitive competitive business information
8	Minutes of Board of Director's Meetings	3	Area after "Specified Confidential"; Area after "April 12, 2004"	Grant	Sensitive competitive business information

Staff Work Paper Number	Work Paper Title	Page	Line	Ruling	Type of Information Classified Confidential
8	Minutes of Board of Director's Meetings	4	Area after "power."; Area after "2004"	Grant	Sensitive competitive business information
8	Minutes of Board of Director's Meetings	5	Area after "November 17, 2004"; Area after "December 8, 2004"; Area after "January 10, 2005"	Grant	Sensitive competitive business information
8	Minutes of Board of Director's Meetings	6	Area after "Specified Confidential"	Grant	Sensitive competitive business information
9-1	External Audit Information	2	All	Grant	Sensitive competitive business information
9-1	External Audit Information	3	All	Grant	Sensitive competitive business information
9-3	External Audit Information	1	All	Grant	Sensitive competitive business information
10-22	Non Regulated Services	1	All	Grant	Sensitive competitive business information

In its request, Progress Energy does not specify how long the classification period should remain in effect. According to Section 366.093(4), Florida Statutes, absent good cause shown, confidential classification is limited to 18 months. Because no request for a longer period was made, the period of confidential classification shall be 18 months. As deemed necessary, the utility may request an extension of the confidential classification before the period tolls.

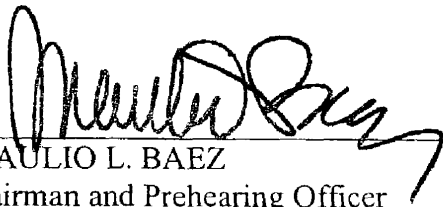
Based on the foregoing, it is

ORDERED by Braulio L. Baez, as Prehearing Officer, that the request of Progress Energy Florida is granted. It is further

ORDERED that pursuant to Section 366.093(4), Florida Statutes, and Rule 25-22.006, Florida Administrative Code, confidentiality granted to the material specified herein shall expire 18 months from the date of the issuance of this Order. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Chairman Braulio L. Baez, as Prehearing Officer, this 30th day of November, 2005.


BRAULIO L. BAEZ
Chairman and Prehearing Officer

(SEAL)