

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Nuclear Power Plant Cost  
Recovery Clause

Docket No. 110009-EI  
Submitted for Filing: May 5, 2011

**PROGRESS ENERGY FLORIDA, INC.'S FOURTH REQUEST FOR  
CONFIDENTIAL CLASSIFICATION REGARDING PORTIONS OF  
ITS RESPONSES TO CITIZENS' SECOND REQUEST FOR  
PRODUCTION OF DOCUMENTS (NOS. 8-11)  
& SECOND SET OF INTERROGATORIES (NOS. 4-8)**

Progress Energy Florida, Inc. ("PEF" or the "Company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(3), Florida Administrative Code, files this Request for Confidential Classification regarding portions of its responses to the Office of Public Counsel's ("OPC" or "Citizens") Second Request for Production of Documents (Nos. 8-11), specifically numbers 9, 10 and 11, and Second Set of Interrogatories (Nos. 4-8), specifically number 5. The responses to these discovery requests, including the responsive documents provided to OPC, include proprietary confidential business information pertaining to internal auditing controls and reports of internal auditors. This information is treated as confidential by the Company and is not made publicly available. This information meets the definition of proprietary confidential business information pursuant to section 366.093(3), Florida Statutes.

An unredacted version of the documents discussed above is being filed under seal with the Commission as Appendix A on a confidential basis to keep the competitive business information in those documents confidential.

In further support of this Request, PEF states as follows:

- claim of confidentiality
- notice of intent
- request for confidentiality
- filed by OPC

For DN 03145-11, which is in locked storage. You must be authorized to view this DN.-CLK

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03144 MAY-5 =

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COM \_\_\_\_\_  
 APA \_\_\_\_\_  
 ECR 3  
 GCL \_\_\_\_\_  
 RAD \_\_\_\_\_  
 SSC \_\_\_\_\_  
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### **The Confidentiality of the Documents at Issue**

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].” § 366.093(1), Fla. Stat. Proprietary confidential business information means information that is (i) intended to be and is treated as private confidential information by the Company, (ii) because disclosure of the information would cause harm, (iii) either to the Company’s ratepayers or the Company’s business operation, and (iv) the information has not been voluntarily disclosed to the public. § 366.093(3), Fla. Stat. Specifically, “[p]roprietary confidential business information includes, but is not limited to: . . . [i]nternal auditing controls and reports of internal auditors.” § 366.093(3)(b), Fla. Stat. Additionally, subsection 366.093(3)(e) defines “information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information,” as proprietary confidential business information.

### **Documents at Issue**

As listed above and described in more detail below, portions of the responses to Citizens’ Second Set of Interrogatories, specifically number 5 and the documents produced in response to Citizens’ Second Request for Production of Documents, specifically numbers 9, 10 and 11, contain proprietary confidential business information.

More specifically, the Company’s response to Citizens’ Interrogatory number 5 contains information taken from PEF’s internal audit reports. Affidavit of Jon Franke, ¶ 4. The Company treats this information as confidential and does not allow its publication to the public. Confidentiality of internal auditing controls and reports allows for full and complete cooperation with, and candor towards, the audit staff and is paramount to the auditing process.

See id. Moreover, this information meets the definition of proprietary confidential business information under section 366.093(3)(b), Florida Statutes.

Likewise, the responsive documents to Citizens' Second Request for Production of Documents numbers 9, 10 and 11 are internal audit reports. The Company treats this information as confidential and does not allow its publication to the public. Confidentiality of internal auditing controls and reports allows for full and complete cooperation with, and candor towards, the audit staff and is paramount to the auditing process. See Affidavit of Franke, ¶ 4. Moreover, this information meets the definition of proprietary confidential business information under section 366.093(3)(b), Florida Statutes.

As mentioned above, Confidentiality of the Company's auditing controls, procedures, and reports is essential to the Company's ability to conduct effective internal audits. See Affidavit of Franke, ¶ 4. Absent the Company's measures to maintain the confidentiality of its audit reports, the Company's efforts to perform effective internal audits could be undermined. Id.

Further, the Company has established and follows strict procedures to maintain the confidentiality of the terms of all of the confidential documents and information at issue, including restricting access to those persons who need the information and documents to assist the Company. See id. at ¶ 5.

At no time has the Company publicly disclosed the confidential information or documents at issue; PEF has treated and continues to treat the information and documents at issue as confidential. See id. at ¶ 5.

PEF requests this information be granted confidential treatment by the Commission.

### Conclusion

The competitive, confidential information at issue in this Request fits the statutory definition of proprietary confidential business information under Section 366.093, Florida Statutes, and Rule 25-22.006, F.A.C., and therefore that information should be afforded confidential classification. In support of this motion, PEF has enclosed the following:

(1) A separate, sealed envelope containing one copy of the confidential Appendix A to PEF's Request for which PEF intends to request confidential classification with the appropriate section, pages, or lines containing the confidential information highlighted. **This information should be accorded confidential treatment pending a decision on PEF's Request by the Commission;**


(2) Two copies of the documents with the information for which PEF intends to request confidential classification redacted by section, pages, or lines where appropriate as Appendix B; and,

(3) A justification matrix of the confidential information contained in Appendix A supporting PEF's Request, as Appendix C.

WHEREFORE, PEF respectfully requests that the redacted portions of its responses to Citizens' Second Request for Production of Documents (Nos. 8-11), specifically numbers 9, 10 and 11, and Second Set of Interrogatories (Nos. 4-8), specifically number 5, be classified as confidential for the reasons set forth above.

Respectfully submitted this 5th day of May, 2011.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished to counsel and parties of record as indicated below via electronic and U.S. Mail this 5th day of May, 2011.

  
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**REDACTED**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Nuclear Power Plant Cost Recovery  
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**Fourth Request for Confidential Classification  
Exhibit B**

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consistent with its internal audit recommendation for those issues or areas needing improvement.

- a. risk management,
- b. earned value analysis, and
- c. KPI reporting

**REDACTED**

**Response:**

**The internal audit referenced in lines 13-23 of page 56 of Franke's testimony was an audit of CR3 Extended Power Uprate and Steam Generator Projects issued July 2, 2009. The specific observations and recommendations along with the management corrective action plans are included in the audit report. A copy of this audit report is being provided in response to Citizens' Second Request for Production of Documents, Question 9. Please also see documents produced in Bates range 11NC-OPCINT2-5A-000001—000035.**

**The areas in need of improvement identified in the audit included:**

**(A) Risk Management**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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**(B) & (C) Earned Value Analysis/Key Performance Indicator (KPI) reporting**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**All action items were completed in 2009 within the timeframe provided in the audit report.**

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Docket No. 110009-EI

**PEF Response Request for Production No. 9**

**Bates numbers**

**11NC-OPCPOD2-9-000001**

**through**

**11NC-OPCPOD2-9-000016**

**are redacted in their entirety**

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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**PEF Response Request for Production No. 10**

**Bates numbers**

**11NC-OPCPOD2-10-000001**

**through**

**11NC-OPCPOD2-10-000003**

**are redacted in their entirety**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Nuclear Power Plant Cost Recovery  
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Docket No. 110009-EI

**PEF Response Request for Production No. 11**

**Bates numbers**

**11NC-OPCPOD2-11-000001**

**through**

**11NC-OPCPOD2-11-000003**

**are redacted in their entirety**

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**PROGRESS ENERGY FLORIDA DOCKET 110009-EI  
Third Request for Confidential Classification  
Confidentiality Justification Matrix**

<b>DOCUMENT</b>	<b>PAGE/LINE/ COLUMN</b>	<b>JUSTIFICATION</b>
Direct Testimony of Thomas G. Foster in Support of Estimated/Actual, Projection and True-Up to Original Costs	Page 13, Line 13, fifth and tenth and eleventh words, Line 15, eighth and ninth words, Line 16, 1 <sup>st</sup> two words; Page 16, Line 13, fourth, fifth and tenth and eleventh words, Line 15, fifth, sixth, eleventh and twelfth words	<p>§366.093(3)(b), Fla. Stat. The information in question contains confidential information relating to, or derived from, the Company's internal auditing controls and/or reports of the Company's internal auditors</p> <p>§366.093(3)(e), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
Direct Testimony of Thomas G. Foster in Support of Estimated/Actual, Projection and True-Up to Original Costs Exhibit TGF-1	<p>Page 16 of 47 Schedule AE-6.2: All information in Columns (A), (B), (C), (D), (E), (F), (G) and (H) on Lines 3 through 13, 15 through 26 and 28; Page 17 of 47 Schedule AE-6.2: All information in Columns (A), (B), (C), (D), (E), (F), (G) and (H) on Lines 3 through 13, 15 through 26 and 28; Page 18 of 47 Schedule AE-6.3: All information in Columns (A), (B), (C), (D), (E), (F), (G) and (H) on Lines 3 through 15, 17 through 30 and 32; Page 19 of 47 Schedule AE-6.3: All information in Columns (I), (J), (K), (L), (M), (N), (O) and (P) on Lines 3 through 15, 17 through 30 and 32; Page 22 of 47 Schedule AE-6B.2:</p>	<p>§366.093(3)(b), Fla. Stat. The information in question contains confidential information relating to, or derived from, the Company's internal auditing controls and/or reports of the Company's internal auditors</p> <p>§366.093(3)(e), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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DOCUMENT	PAGE/LINE/ COLUMN	JUSTIFICATION
	<p>All information in Columns (A), (B) and (C) Lines 1 through 11; Page 23 of 47 Schedule AE-6B.3: All information in Columns (A), (B) and (C) Lines 1 through 15; Page 24 of 47, Schedule AE-7, all information in Columns (C), (D), (E), (F), (G) and (H), Lines 1, 2, 3, 4, 5, 6, and 7, Columns (C), (D), (E) AND (F), lines 8 and 9 and Column (F) Line 10; Pages 25 through 31 of 47 Schedule AE-7A, all information in Dollar Value, Term Begin and Term End lines; Page 32 of 47 Schedule AE-7B, Columns (E), (F), (G) and (H), all information in lines 1 through 3 and Column (F), Line 4; Page 33 of 47 Appendix A Section AE2.3, sub-section AE-6.3, Row 17 2<sup>nd</sup> line, seventh word, 3<sup>rd</sup> and 4<sup>th</sup> lines, dollar amounts at end of line, Row 32 2<sup>nd</sup> line, seventh word, 3<sup>rd</sup> and 4<sup>th</sup> lines, dollar amounts at end of line</p>	
<p>Direct Testimony of Thomas G. Foster in Support of Estimated/Actual, Projection and True-Up to Original Costs Exhibit TGF-2</p>	<p>Page 15 of 41 Schedule P-6.2, all information in Columns (A), (B), (C), (D), (E), (F), (G) AND (H), Lines 3 through 13, 15, 17 through 26 and 28; Page 16 of 41 Schedule P-6.2, all information in Columns (I), (J), (K), (L), (M), (N),</p>	<p>§366.093(3)(b), Fla. Stat. The information in question contains confidential information relating to, or derived from, the Company's internal auditing controls and/or reports of the Company's internal auditors  §366.093(3)(e), Fla. Stat.</p>

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<b>DOCUMENT</b>	<b>PAGE/LINE/ COLUMN</b>	<b>JUSTIFICATION</b>
	<p>(O) and (P) lines 3 through 13, 15, 17 through 26 and 28; Page 17 of 41 Schedule P-6.3, all information in Columns (A), (B), (C), (D), (E), (F), (G) AND (H), Lines 3 through 15, 17, 19 through 30 and 32; Page 18 of 41 Schedule P-6.3, all information in Columns (I), (J), (K), (L), (M), (N), (O) and (P) lines 3 through 15, 17, 19 through 30 and 32; Page 21 of 41 Schedule P-7, all information in Columns (C), (D), (E), (F), (G) and (H), Lines 1 through 7 and Column (F) lines 8 through 10; Pages 22 through 28 of 41 Schedule P-7A, all information in Dollar Value, Term Begin and Term End; Page 29 of 41 Schedule P-7B, all information in Columns (C), (D), (E), (F), (G) AND (H), lines 1 through 3 and Columns (F) and (G), line 4; Page 31 of 41 Schedule P 2.3 Section AE-6.3 2<sup>nd</sup> and 4<sup>th</sup> line last word</p>	<p>The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>Direct Testimony of Thomas G. Foster in Support of Estimated/Actual, Projection and True-Up to Original Costs Exhibit TGF-3</p>	<p>Page 10 of 17 Schedule TOR 6.2, information in Column D lines 4, 8 10, 13 and 15, All information in Columns (E), (F), (G), (H) and (I), lines 1 through 13, 15 17 through 26 and 28; Page 11 of 17 Schedule TOR 6.2, all information in Columns (J), (K), (L), (M),</p>	<p>§366.093(3)(b), Fla. Stat. The information in question contains confidential information relating to, or derived from, the Company's internal auditing controls and/or reports of the Company's internal auditors</p> <p>§366.093(3)(e), Fla. Stat. The document portions in question</p>



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<b>DOCUMENT</b>	<b>PAGE/LINE/ COLUMN</b>	<b>JUSTIFICATION</b>
	(N), (O), (P), (Q) and (R), lines 3 through 13, 15, 17 through 26 and 28; Page 12 of 17 Schedule TOR 6.3 all information in Columns (E), (F), (G), (H) and (I), lines 3 through 18, 20, 22 through 33 and 35; Page 13 of 17 Schedule TOR 6-3, all information in Columns (J), (K), (L), (M), (N), (O), (P), (Q) AND (R), lines 3 through 18, 20, 22 through 33 and 35; Page 17 of 17 Schedule TOR-7, all information in Milestones columns, Note 4) and Additions column lines 3 to end	contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.
Direct Testimony of Thomas G. Foster in Support of Estimated/Actual, Projection and True-Up to Original Costs Exhibit TGF-4	Page 18 of 55 Schedule AE-7, all information in Columns (C), (D), (E), (F), (G) and (H), lines 1 through 19, Columns (C), (D), (E) and (H), line 20, Column (K), line 12; Page 19 of 55, Schedule AE-7, Columns (C), (D), (E), (F), (G) and (H), lines 21 through 25, Note 2 in its entirety; Pages 20 through 30 of 55 Schedule AE-7A, all information in Dollar Value, Term Begin and Term End; Page 21 of 55, Schedule AE-7A, all information in Dollar Value, Term Begin, Term End and Nature of Scope of Work; Pages 32 through 41 of 55, all information in Dollar Value, Term Begin and Term End; Page 42 of	<p>§366.093(3)(b), Fla. Stat. The information in question contains confidential information relating to, or derived from, the Company's internal auditing controls and/or reports of the Company's internal auditors</p> <p>§366.093(3)(e), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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DOCUMENT	PAGE/LINE/ COLUMN	JUSTIFICATION
	55 Schedule AE-7A, all information in Term Begin, Term End and Note 2; Pages 43 and 44 of 55 Schedule AE-7A, all information under Dollar Value, Term Begin and Term End; Page 45 of 55 Schedule AE-7B, all information in Columns (C), (D), (E), (F), (G) and (H), lines 1 through 16, Column (F), line 17	
Direct Testimony of Thomas G. Foster in Support of Estimated/Actual, Projection and True-Up to Original Costs Exhibit TGF-5	Page 16 of 50 Schedule P-7A, all information in Columns (C), (D), (E), (F), (G) and (H), lines 1 through 17, Column (K), line 12; Page 17 of 50 Schedule P-7A, , all information in Columns (C), (D), (E), (F), (G) and (H), lines 18 and 25 and Note 2; Pages 18 through 28 of 50, all information under Dollar Value, Term Begin and Term End; Page 29 of 50 Schedule P-7A, all information under Dollar Value, Term Begin, Term End and Nature and Scope of Work; Pages 30 through 39 of 50 Schedule P-7A, all information under Dollar Value, Term Begin and Term End; Page 40 of 55 Schedule P-7A, all information under Term Begin, Term End and Note 2; Pages 41 and 42 of 50 Schedule P-7A, all information under Dollar	<p>§366.093(3)(b), Fla. Stat.  The information in question contains confidential information relating to, or derived from, the Company's internal auditing controls and/or reports of the Company's internal auditors</p> <p>§366.093(3)(e), Fla. Stat.  The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<b>DOCUMENT</b>	<b>PAGE/LINE/ COLUMN</b>	<b>JUSTIFICATION</b>
	Value, Term Begin and Term End; Page 43 of 50 Schedule AE-7B, all information in Columns (C), (D), (E), (F), (G) and (H), lines 1 through 16 and Column (F), line 17	
Direct Testimony of Sue Hardison in Support of Actual/Estimated and Projected Costs	Page 8, Line 15, second and third words from end, Line 16, seventh and eighth words, Line 19, fourth and fifth words, Line 20, last two words; Page 11, 13 <sup>th</sup> Line, second and third words from end, Line 14, seventh, eighth and last words, Line 15, first word; Page 13, Line 11, last two words, Line 12, eighth and ninth words, Line 13, first two words, Line 14, last three words, Line 15 in its entirety, Line 16, first word; Page 14, Line 1, first and last two words, Line 4, sixth and seventh words, Line 5, last two words; Page 15, Line 10, second through eighth words; Page 16, Line 9, eighth and ninth words, Line 10, third word, Line 12, third and fourth words from end, Line 13, last two words	<p>§366.093(3)(b), Fla. Stat.  The information in question contains confidential information relating to, or derived from, the Company's internal auditing controls and/or reports of the Company's internal auditors</p> <p>§366.093(3)(e), Fla. Stat.  The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
Direct Testimony of John Elnitsky	Page 15, Line 18, 1 <sup>st</sup> three words; Page 16, Line 4, fifth through seventh words, Line 13, third word from end, Line 18, third word; Page 17, Line 1, fifth word; Page 55, Line 9,	<p>§366.093(3)(b), Fla. Stat.  The information in question contains confidential information relating to, or derived from, the Company's internal auditing controls and/or reports of the Company's internal auditors</p>

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<b>DOCUMENT</b>	<b>PAGE/LINE/ COLUMN</b>	<b>JUSTIFICATION</b>
	second and third word from end	<p>§366.093(3)(e), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
Direct Testimony of John Elnitsky Exhibit JE-3	Entire Document	<p>§366.093(3)(b), Fla. Stat. The information in question contains confidential information relating to, or derived from, the Company's internal auditing controls and/or reports of the Company's internal auditors</p> <p>§366.093(3)(e), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
Direct Testimony of John Elnitsky Exhibit JE-8	Page 1, all numbers in Table, Note (3), fourth and ninth words; Page 2, all numbers in Table	<p>§366.093(3)(b), Fla. Stat. The information in question contains confidential information relating to, or derived from, the Company's internal auditing controls and/or reports of the Company's internal auditors</p> <p>§366.093(3)(e), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<b>DOCUMENT</b>	<b>PAGE/LINE/ COLUMN</b>	<b>JUSTIFICATION</b>
Direct Testimony of Jon Franke in Support of Actual/Estimated and Projected Costs	Page 21, Line 17, second through eighth words, Line 20, all words except first word, Lines 21 through 23 in their entirety; Page 21, Lines 1 through 3 in their entirety, Line 4, seventh and eighth words, Line 7, last two words, Lines 8 through 14 in their entirety, Line 15, first nine words; Page 50, Line 18, first two words, Line 19, fourth and fifth words	<p>§366.093(3)(b), Fla. Stat. The information in question contains confidential information relating to, or derived from, the Company's internal auditing controls and/or reports of the Company's internal auditors</p> <p>§366.093(3)(e), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
Direct Testimony of Jon Franke in Support of Actual/Estimated and Projected Costs Exhibit JF-3	Entire Document	<p>§366.093(3)(b), Fla. Stat. The information in question contains confidential information relating to, or derived from, the Company's internal auditing controls and/or reports of the Company's internal auditors</p> <p>§366.093(3)(e), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>