

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery clause with generating performance incentive factor.

Docket No. 070001-EI

Dated: Sept. 14, 2007

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**PROGRESS ENERGY FLORIDA INC.'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Progress Energy Florida, Inc., ("PEF," "Progress Energy," or "Company"), pursuant to Section 366.093, Fla. Stats., and Rule 25-22.006, Florida Administrative Code (F.A.C.), submits this Request for Confidential Classification for certain information provided in response to OPC's Second Request for Production (Nos. 2-16) propounded on PEF. In support of this Request, PEF states:

Basis for Confidential Classification

Subsection 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

CMP _____ business information shall be kept confidential and shall be exempt from [the Public Records
COM _____
CTR _____ Act]." §366.093(1), Fla. Stats. Proprietary confidential business information means information
ECR 1 that is (i) intended to be and is treated as private confidential information by the Company, (ii)
GCL 1
OPC _____ because disclosure of the information would cause harm, (iii) either to the Company's ratepayers
RCA _____ or the Company's business operation, and (iv) the information has not been voluntarily disclosed
SCR _____ to the public. §366.093(3), Fla. Stats. Specifically, "information relating to competitive
SGA _____
SEC _____

OTH 1 conf records

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interests” is defined as proprietary confidential business information if the disclosure of such information “would impair the competitive business of the provider of the information.” §366.093(3)(e), Fla. Stats. Section 366.093(3)(d) further defines proprietary confidential business information as “information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms.” §366.093(3)(d), Fla. Stats.

The aforementioned discovery sought by OPC should be afforded confidential treatment because portions of the responses contain proprietary confidential business information relating to PEF’s contractual arrangements. Public disclosure of the information in question would compromise PEF’s efforts to contract for goods and services on favorable terms.

Portions of Responses to OPC’s Second Request for Production of Documents

Portions of PEF’s responses to OPC’s Second Request for Production of Documents should be afforded confidential treatment for the reasons set forth in the Affidavit of Sasha Weintraub filed in support of PEF’s Request for Confidential Classification and for the following reasons. PEF’s response to question 2 and portions of responses to questions 3, 4 & 9 contain contractual quantities and pricing arrangements between PEF and third parties (fuel suppliers & transportation providers) that would adversely impact PEF’s competitive business interests if disclosed to the public. See Affidavit of Sasha Weintraub at ¶ 5.

As indicated in Exhibit C, the information for which Progress Energy requests confidential classification is “proprietary confidential business information” within the meaning of Section 366.093(3), Fla. Stats. Specifically, the information at issue relates to competitively negotiated contractual data, such as quantity and pricing of fuel, and other contractual terms, the

disclosure of which would impair the efforts of the Company or its affiliates to negotiate coal supply contracts and transportation contracts on favorable terms. *See* § 366.093(3)(d), Fla. Stats.; Affidavit of Sasha Weintraub at ¶ 5. If other third parties were made aware of confidential contractual terms that PEF has with other parties, they may offer PEF less competitive contractual terms in future contractual negotiations. *See* Affidavit of Sasha Weintraub at ¶ 5.

Strict procedures are established and followed to maintain the confidentiality of the terms 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* Affidavit of Sasha Weintraub at ¶ 6. At no time has the Company publicly disclosed the confidential information or documents at issue. *Id.* The Company has treated and continues to treat the information and documents at issue as confidential. *Id.*

Conclusion

Certain portions of the PEF's response to the Second Request for Production sought by OPC fit the statutory definition of proprietary confidential business information under Section 366.093 Fla. Stats. and Rule 25-22.006, F.A.C., and that information should be afforded confidential classification. In support of this motion, PEF has enclosed the following:

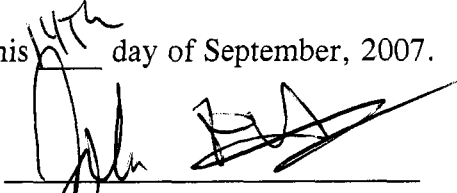
(1). A separate sealed envelope labeled "Exhibit A" is a package containing unredacted copies of all the documents for which PEF seeks confidential treatment. Exhibit A is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted versions, the information asserted to be confidential is highlighted by yellow marker.

(2). Exhibit B is a package containing two copies of redacted versions of the documents for which the Company requests confidential classification. The specific information for which confidential treatment is requested has been blocked out by opaque marker or other means.

(3). Exhibit C is a justification matrix which identifies by page and line the information for which PEF seeks confidential classification and the specific statutory bases for seeking confidential treatment.

WHEREFORE, PEF respectfully requests that the information described specifically in Exhibit C, be classified as "proprietary confidential business information" within the meaning of section 366.093(3), F.S., that the information remain confidential for a period of at least 18 months as provided in section 366.093(4) F.S., and that the information be returned as soon as it is no longer necessary for the Commission to conduct its business..

RESPECTFULLY SUBMITTED this 14th day of September, 2007.

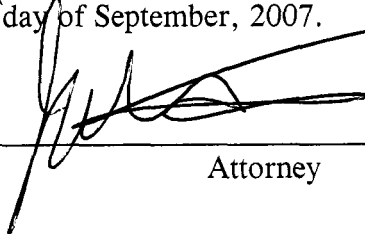


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Progress Energy Florida, Inc.'s request for Confidential Classification in Docket No. 070001-EI has been furnished by regular U.S. mail to the following this 14th day of September, 2007.



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Public Service Commission

CONFIDENTIAL

ACKNOWLEDGEMENT

DATE: 9/14/07

TO: R. Alexander Glenn

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket Number 0700001-EI or, if filed in an undocketed matter, concerning certain information provided in response to OPC's 2nd request for PODs, Nos. 2-16, and filed on behalf of Progress.

The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

DOCUMENT NUMBER-DATE
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