BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

07 OCT - 3 AM 9: 37

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

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CGMMISSION Docket No. 070001-ERK

Dated: Oct. <u>2</u>, 2007

NOTICE OF FILING AFFIDAVIT IN SUPPORT OF REQUEST FOR CONFIDENTIAL CLASSIFICATION

Progress Energy Florida, Inc., ("PEF" or "Company"), by and through their undersigned counsel, hereby gives notice of filing the Affidavit of Alexander Weintraub as Executive Director of Regulated Fuels in support of PEF's Request for Confidential Classification requesting that certain information provided in PEF's response to Staff's Second Set of Interrogatories (Nos. 11-20) be classified as confidential. PEF's Request for Confidential Classification is submitted for filing on October 2, 2007.

Respectfully submitted this ____ day of October, 2007.

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R. Alexander Glenn Deputy General Counsel John T. Burnett Associate General Counsel Progress Energy Service Company, LLC Post Office Box 14042 St. Petersburg, Florida 33733-4042 Telephone: 727-820-5184 Facsimile: 727-820-5249 Email: john.burnett@pgnmail.com

Attorneys for PROGRESS ENERGY FLORIDA, INC.

> DOCUMENT NUMBER-DATE 09072 OCT-35 FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Progress Energy Florida, Inc.'s Notice of Filing Affidavit in Support of Request for Confidential Classification, in Docket No. 070001-EI has been furnished by regular U.S. mail to the following this <u>Jord</u> day of October, 2007.

Attorney

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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: October 2, 2007

AFFIDAVIT OF ALEXANDER WEINTRAUB IN SUPPORT OF PROGRESS ENERGY FLORIDA'S <u>REQUEST FOR CONFIDENTIAL CLASSIFICATION</u>

STATE OF NORTH CAROLINA

COUNTY OF WAKE

BEFORE ME, the undersigned authority duly authorized to administer oaths, personally appeared Alexander Weintraub, who being first duly sworn, on oath deposes and says that:

1. My name is Alexander Weintraub. I am over the age of 18 years old and I have been authorized by Progress Energy Florida (hereinafter "PEF" or the "Company") to give this affidavit in the above-styled proceeding on PEF's behalf and in support of PEF's Request for Confidential Classification. The facts attested to in my affidavit are based upon my personal knowledge.

2. I am Executive Director of PEF's Regulated Fuels Department. This section is responsible for coal acquisition for both PEF and Progress Energy Carolinas ("PEC") systems.

3. As the Executive Director of PEF's Regulated Fuels Department, I am responsible, along with the other members of the section, for the procurement of coal and

coal transportation contracts for PEC's and PEF's electrical power generation facilities, and the administration of coal contracts with various suppliers.

4. PEF is seeking confidential classification for certain information provided in response to Staff's Second Set of Interrogatories received by PEF on September 14, 2007. A detailed description of the confidential information at issue is contained in confidential Exhibit A to PEF's Request for Confidential Classification and is outlined in PEF's Justification Matrix that is attached to PEF's Request for Confidential Classification as Exhibit C. PEF is requesting confidential classification of this information because it contains sensitive business information, the disclosure of which would impair the Company's efforts to contract for goods or services on favorable terms.

5. PEF negotiates with potential coal suppliers and coal transportation providers to obtain competitive contracts for fuel options that provide economic value to PEF and its ratepayers. In order to obtain such contracts, however, PEF must be able to assure coal suppliers and transportation providers that sensitive business information, such as volumes, and terms and pricing, will be kept confidential. With respect to the information at issue in this Request, PEF has kept confidential and has not publicly disclosed confidential terms such as volumes, terms, and pricing. Absent such measures, suppliers would run the risk that sensitive business information that they provided in their bids/contracts with PEF would be made available to the public and, as a result, end up in possession of potential competitors. Faced with that risk, persons or companies who otherwise would contract with PEF might decide not to do so if PEF did not keep those terms of their bids/contracts confidential. Without PEF's measures to maintain the confidentiality of sensitive terms in bids/contracts between PEF and coal suppliers or coal transportation providers, the Company's efforts to obtain competitive coal supply contracts could be undermined.

6. Additionally, the disclosure of confidential information in PEF's coal supply contracts and coal transportation contracts could adversely impact PEF's competitive business interests. If such information was disclosed to PEF's competitors and/or other potential suppliers, PEF's efforts to obtain competitive coal supply options that provide economic value to both PEF and its ratepayers could be compromised by PEF's competitors and/or suppliers changing their offers, consumption, or purchasing behavior within the relevant markets.

7. Upon receipt of confidential information from coal suppliers and coal transportation providers, and with its own confidential information, strict procedures are established and followed to maintain the confidentiality of the terms of the documents and information provided, including restricting access to those persons who need the information to assist the Company, and restricting the number of, and access to the information and contracts. At no time since receiving the contracts and information in question has the Company publicly disclosed that information. The Company has treated and continues to treat the information and contracts at issue as confidential.

8. This concludes my affidavit.

Further affiant sayeth not.

Dated the 2 day of October, 2007.

(Signature) Alexander Weintraub **Executive** Director **Regulated Fuels Department** Progress Energy Carolinas Post Office Box 1551 Raleigh, NC. 27602

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this λ day of October, 2007 by Alexander Weintraub. He is personally known to me, or has produced his <u>ma</u> driver's license, or his as identification. 1) [a.

Jendy M. Dunn (Signature) (Printed Name) NOTARY PUBLIC, STATE OF NC

(AFFIX NOTARIAL SEAL)

July 5, 2012 (Commission Expiration Date)

(Serial Number, If Any)