## **RECEIVED-FPSC**

### BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION 07 NOV 19 PM 2:31

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

COMMISSION CLERK

Docket No. 070001-EI

Dated: November 19, 2007

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

Progress Energy Florida, Inc., ("PEF" or "Company"), pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), submits this Request for Confidential Classification for the information in Exhibit No. 49 (PEF's 2007 hedging percentages) provided at the hearing in this docket and filed with the Commission Clerk along with its Notice of Intent to Request Confidential Classification dated November 7, 2007. In support of this Request, PEF states:

1. Exhibit No. 49 (PEF's 2007 hedging percentages) contains "proprietary business information" under Section 366.093(3), Florida Statutes.

2. The following exhibits are included with this request:

CMP \_\_\_\_\_\_ (a) Exhibit A, the document for which PEF seeks confidential treatment, was
COM \_\_\_\_\_\_
previously filed with PEF's Notice of Intent filed on November 7, 2007.

- SGA \_\_\_\_\_
- SEC \_\_\_\_ OTH <u>lconf</u> records

DOCUMENT NUMBER-DATE 10374 NOV 195 FPSC-COMMISSION CLERK (c) Exhibit C is a table which identifies by page and line the information for which PEF seeks confidential classification and the specific statutory bases for seeking confidential treatment.

#### 3. As indicated in Exhibit C, the information for which PEF requests

confidential classification is "proprietary confidential business information" within the meaning of Section 366.093(3), F.S. Specifically, the information at issue relates to PEF's 2007 hedging percentages, the disclosure of which could impair the efforts of the Company to negotiate fuel supply options on favorable terms. *See* § 366.093(3)(d), F.S.; Affidavit of Joseph McCallister at ¶ 5. Furthermore, the information at issue relates to the competitive interests of PEF, the disclosure of which could impair PEF's competitive business interests. *Id.* § 366.093(3)(e); Affidavit of Joseph McCallister at ¶ 6. Accordingly, such information constitutes "proprietary confidential business information" which is exempt from disclosure under the Public Records Act pursuant to Section 366.093(1), F.S.

4. The information identified as "Exhibit A" is intended to be and is treated as confidential by the Company. See Affidavit of Joseph McCallister at  $\P$  7. The information has not been disclosed to the public, and the Company has treated and continues to treat the information at issue as confidential. See Affidavit of Joseph McCallister at  $\P$  7.

5. PEF requests that the information identified in Exhibit A 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.

WHEREFORE, for the foregoing reasons, PEF respectfully requests that this Request for

Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 19<sup>th</sup> day of November, 2007.

Burnettins

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Attorneys for PROGRESS ENERGY FLORIDA, INC.

#### **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 1912 day of November, 2007.

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# EXHIBIT A

(A separate sealed envelope labeled "confidential" was previously filed on November 7, 2007 with PEF's Notice of Intent to Request Confidential Classification. The envelope contains one copy of the confidential documents for which PEF seeks confidential treatment)

DOCKET NO. 070001-EI