# Hopping Green & Sams

Attorneys and Counselors

Writer's Direct Dial No. (850) 425-2359

May 29, 2008

### **BY HAND DELIVERY**

Ann Cole Director Records and Reporting Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399

# Re: Docket No. 080007-EI - Request for Confidential Classification

Dear Ms. Cole:

Enclosed for filing on behalf of Progress Energy Florida (PEF) are the following:

(1) The original and seven copies of its Request for Confidential Classification, including Exhibit A, which identifies by page and line the information for which PEF seeks confidential treatment.

(2) An envelope containing Exhibit B, which includes two redacted copies of the confidential documents; and

(3) A CONFIDENTIAL envelope containing Exhibit C which includes one copy of the documents on which the confidential material has been highlighted.

Please stamp and return the enclosed extra copy of this filing. If you have any questions regarding this filing, please contact the undersigned.

Gary V. Perko

PSC-COMMISSION CLERK

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Enclosures

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#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to all counsel of record and interested parties as listed below by hand-delivery (\*) or regular U.S. mail this <u>29th</u> day of May, 2008.

Martha Carter Brown (\*) Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850

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Florida Industrial Power Users Group John W. McWhirter, Jr. c/o McWhirter Law Firm 400 North Tampa Street, Suite 2450 Tampa, FL 33602

Florida Power & Light Co. R. Wade Litchfield, Esq. John T. Butler, Esq. 700 Universe Blvd. Juno Beach, FL 33408-0420 Florida Power & Light Co. Mr. Wade Litchfield 215 S. Monroe Street, Suite 810 Tallahassee, FL 32301

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# **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Environmental Cost Recovery Clause

Docket No. 080007-EI



C. COMMISSION CLERK

Filed: May 29, 2008

# **PROGRESS ENERGY FLORIDA'S REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Progress Energy Florida, Inc., ("Progress" or "Company"). pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(3)(a)2, and (4), Florida Administrative Code, submits this Request For Confidential Classification of the documents and information described below which were provided to the Florida Public Commission Staff in connection with Staff 's audit in this Docket (Audit Control No. 08-029-2-1). In support of this Request for Confidential Classification, Progress states:

1. In connection with Staff's audit, Progress provided workpapers and documents to the Staff containing information that is "proprietary business information" under Section 366.093(3), Florida Statutes.<sup>1</sup> By letter dated May 8, 2008, Staff indicated its intent to retain certain workpapers and documents which had been identified as confidential. Pursuant to 25-22.006(3)(a), Florida Administrative Code, the letter advised Progress that it had 21 days from the date of the letter within which to file a Request for Confidential Classification. Accordingly, this Request is timely.

Included within the audit documents requested by staff is an invoice for sulfur 2. dioxide allowance purchases made by Progress (document no. 16-5/1-18). This invoice includes

<sup>&</sup>lt;sup>1</sup> Based on further review, Progress has decided not to seek confidential classification of some of the documents included with the Staff's letter (specifically, audit documents 16-5/1-17, 43-6/4, 43-6/5, and 43-7/1 through 6). Accordingly, this request only addresses the documents for which Progress seeks confidential classification.

the quantity of allowances purchased, the unit cost per allowance, and the total amount paid for the allowances. In addition, the documents include several Emission Summaries (document nos. 16-5/1-1 through 16-5/1-16) which include monthly sulfur dioxide emissions, weighted average costs of sulfur dioxide allowances, and total monthly costs of sulfur dioxide allowances for various Progress units during the audit period in question. The disclosure of the information described above would place Progress at a competitive disadvantage when negotiating with sulfur dioxide allowance suppliers, who would know what the Company had recently agreed to pay for allowances.<sup>2</sup> With this information, suppliers could tailor their prices to remain marginally competitive with prices recently paid by Progress without offering their best price. As such, disclosure of the information would impair the Company's efforts to contract for goods or services on favorable terms. *See* § 366.093(3)(d), F.S. Accordingly, the information constitutes "proprietary confidential business information" which is exempt from disclosure under the Public Records Act pursuant to Section 366.093(1), F.S.

3. The following exhibits are included herewith:

(a) Exhibit A is a table which identifies by page and line the information for which Progress seeks confidential classification and the specific statutory bases for seeking confidential treatment.

(a) Composite Exhibit B is a package containing two copies of redacted versions of documents described above for which Progress requests confidential classification.

(c) Composite Exhibit C is a package containing an unredacted copies of the documents for which Progress seeks confidential treatment, whether in whole or in part.
 Composite Exhibit C is being submitted separately in a sealed envelope labeled

<sup>&</sup>lt;sup>2</sup> Disclosure of weighted costs would directly provide unit cost information; whereas the total costs would be used in conjunction with the total tons to determine unit allowance costs. For that reason, Progress requests confidential classification of the weighted costs and total tons.

"CONFIDENTIAL." In the unredacted version, the information asserted to be confidential is highlighted by yellow marker.

4. The information discussed above and included in Composite Exhibit C is intended to be and is treated as confidential by the Company. The information has not been disclosed to the public.

5. Progress requests that the information for which it seeks confidential classification remain confidential for a period of at least 18 months as provided in section 366.093(4), Florida statutes, and should be returned as soon as the information is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the foregoing reasons, Progress respectfully requests that its Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 29th day of May, 2008.

HOPPING GREEN & SAMS, P\_A By: Gary V. Perko P.O. Box 6526 Tallahassee, Florida 32314 (850) 425-2359

Attorneys for Progress Energy Florida

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# Exhibit A

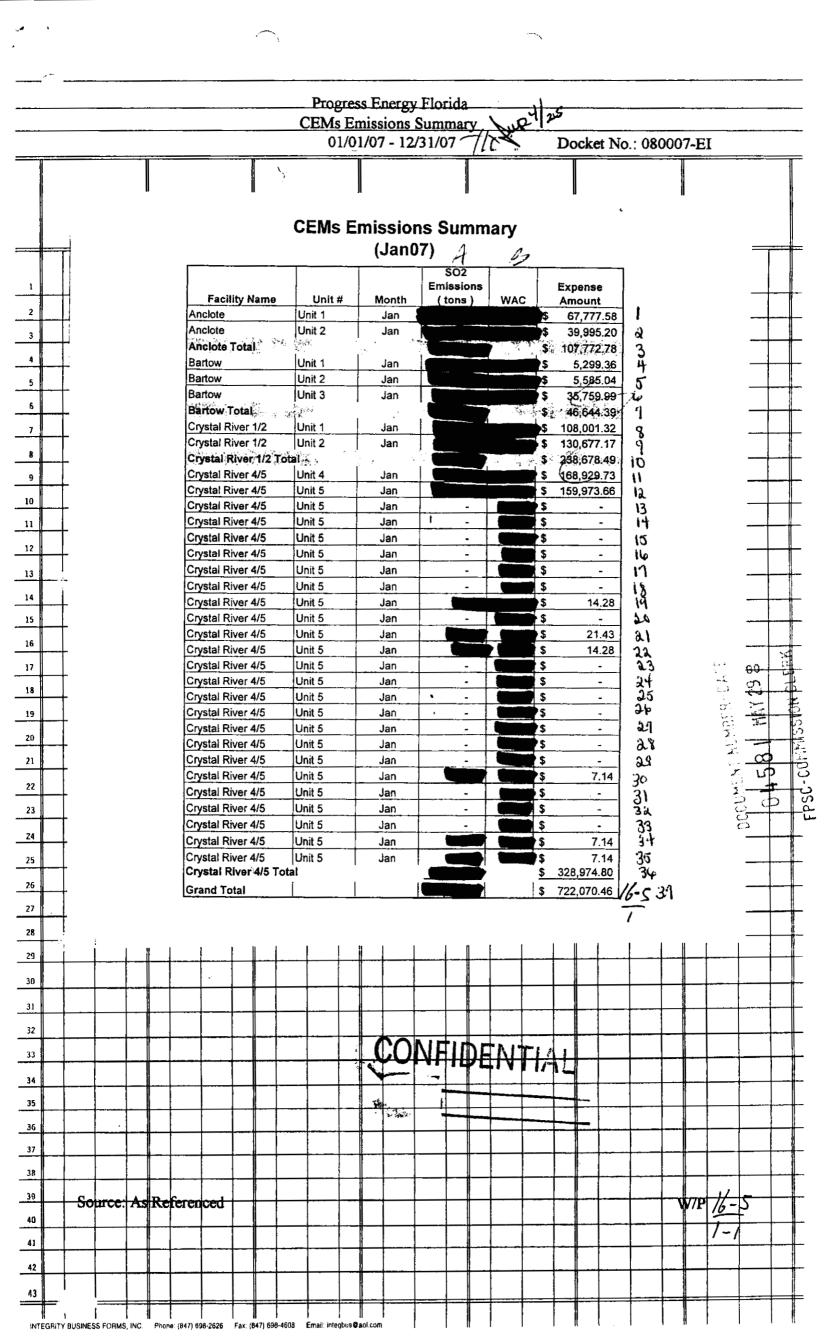
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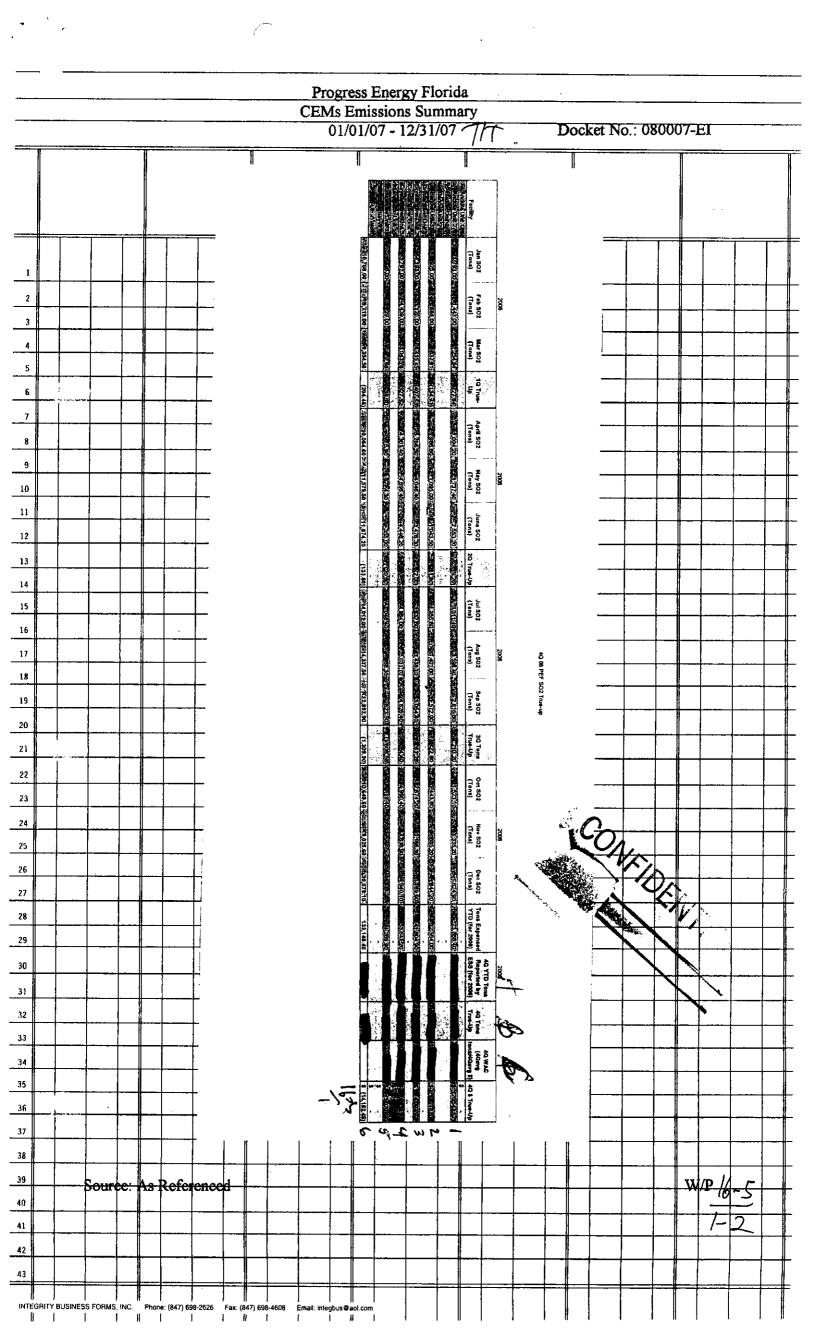
Document Description	Document No.	Line(s)	Column(s)	Statutory Justification
CEMs Emissions	16-5/1-1	1-12, 19, 21, 22, 30, 34-37	A	§366.093(3)(d), F.S.
Summary (Jan. 07)		1, 2, 4-6, 8, 9, 11-35	В	§366.093(3)(d), F.S.
CEMs Emissions Summary1/1/07- 12/31/07	16-5/1-2	1-6	A, B	§ 366.093(3)(d), F.S.
		1-5	С	§ 366.093(3)(d), F.S.
CEMs Emissions	16-5/1-3	1-22, 27-33, 35, 37, 38	A	§ 366.093(3)(d), F.S.
Summary (Feb. 07)		1, 2, 4-6, 8, 9, 11-32, 34-36	В	§ 366.093(3)(d), F.S.
CEMs Emissions Summary (Mar. 07)	16-5/1-4	1-4, 6-14, 19-22, 27, 34, 36, 37	A	§ 366.093(3)(d), F.S.
		1, 2, 4-6, 8, 9, 11-35	В	§ 366.093(3)(d), F.S.
CEMs Emissions Summary (Apr. 07)	16-5/1-5	1-8, 10-12, 14-23, 27, 34- 37	A	§ 366.093(3)(d), F.S.
		1, 2, 4-6, 8-14, 16-35	В	§ 366.093(3)(d), F.S.
CEMs Emissions Summary1/1/07- 12/31/07	16-5/1-6	1-6	A, B	§ 366.093(3)(d), F.S.
		1-5	С	§ 366.093(3)(d), F.S.
CEMs Emissions Summary May. 07)	16-5/1-7	1-9, 11, 13-17, 19, 21, 23, 24, 31-39	A	§ 366.093(3)(d), F.S.
		1, 2, 4-6, 8-32, 34, 35	В	§ 366.093(3)(d), F.S.
CEMs Emissions	16-5/1-8	1-25, 30-38	A	§ 366.093(3)(d), F.S.
Summary (Jun. 07)		1, 2, 4-6, 8, 9, 11-32, 34-36	В	§ 366.093(3)(d), F.S.
CEMs Emissions	16-5/1-9	1-38	A	§ 366.093(3)(d), F.S.
Summary (Jul. 07)		1, 2, 4-6, 8, 9, 11-32, 34-36	В	§ 366.093(3)(d), F.S.
CEMs Emissions Summary1/1/07- 12/31/07	16-5/1-10	1-6	A,B	§ 366.093(3)(d), F.S.
		1-5	C	§ 366.093(3)(d), F.S.
CEMs Emissions	16-5/1-11	1-38	A	§ 366.093(3)(d), F.S.
Summary (Aug. 07)		1, 2, 4-6, 8, 9, 11-32, 34-36	В	§ 366.093(3)(d), F.S.
CEMs Emissions	16-5/1-12	1-14, 18-27, 30-38	A	§ 366.093(3)(d), F.S.
Summary (Sep. 07)		1, 2, 4-6, 8, 9, 11-32, 34-36	B	§ 366.093(3)(d), F.S.
CEMs Emissions	16-5/1-13	1-10, 12, 16-39	A	§ 366.093(3)(d), F.S.
Summary (Oct. 07)		1, 2, 4-6, 8, 9, 11-32, 34-36	В	§ 366.093(3)(d), F.S.
CEMs Emissions Summary1/1/07- 12/31/07	16-5/1-14	1-6	A, B	§ 366.093(3)(d), F.S.
		1-5	C	§ 366.093(3)(d), F.S.
CEMs Emissions	Nov. 07)	1-12, 17-22, 27, 32, 33, 38	A	§ 366.093(3)(d), F.S.
Summary (Nov. 07)		1, 2, 4-6, 8, 9, 11-32, 34-36	В	§ 366.093(3)(d), F.S.
CEMs Emissions	16-5/1-16	1-4, 6-12, 17-23, 38, 39	A	§ 366.093(3)(d), F.S.
Summary (Dec. 07)		1, 2, 4-6, 8, 9, 11-37	В	§ 366.093(3)(d), F.S.
Invoice	16-5/1-18	1	A, B	§ 366.093(3)(d), F.S.

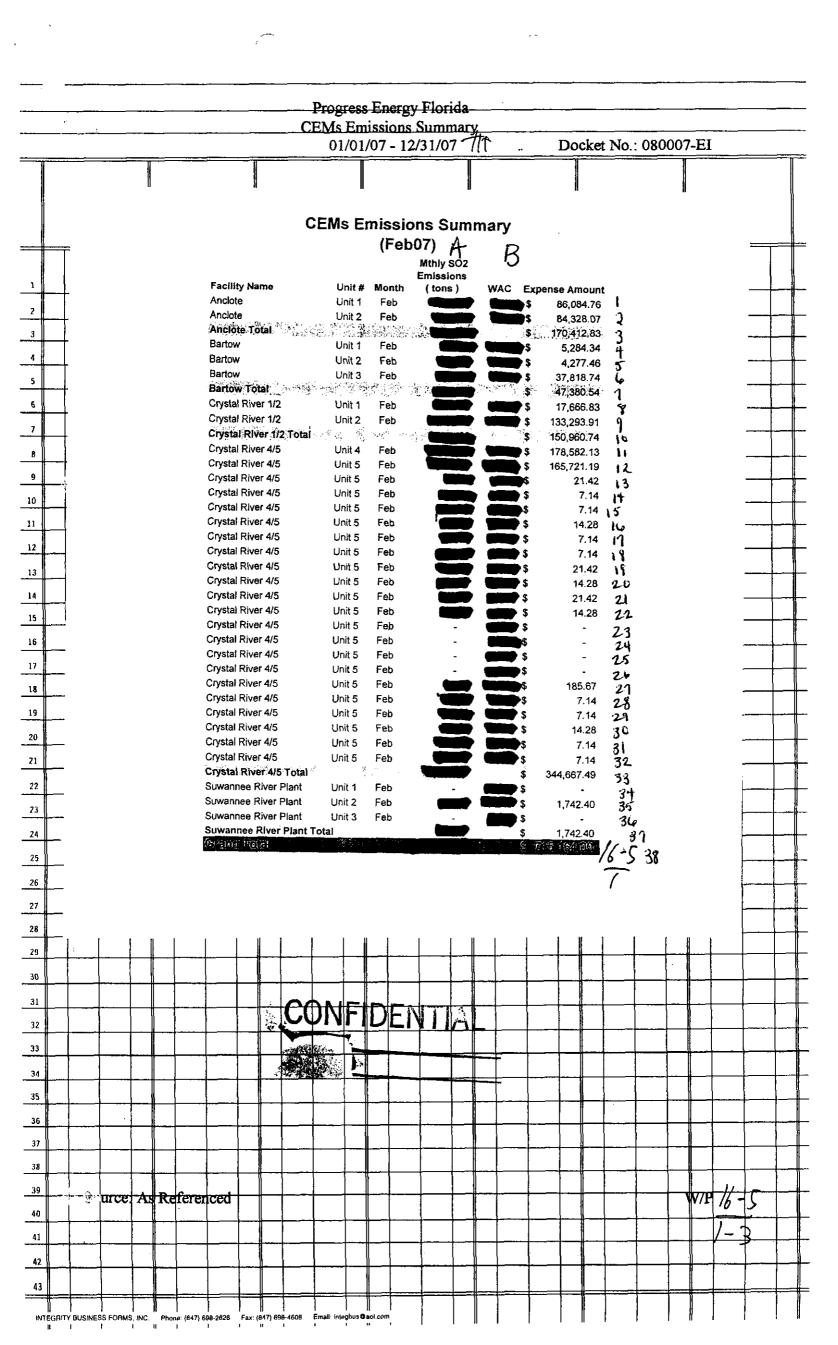
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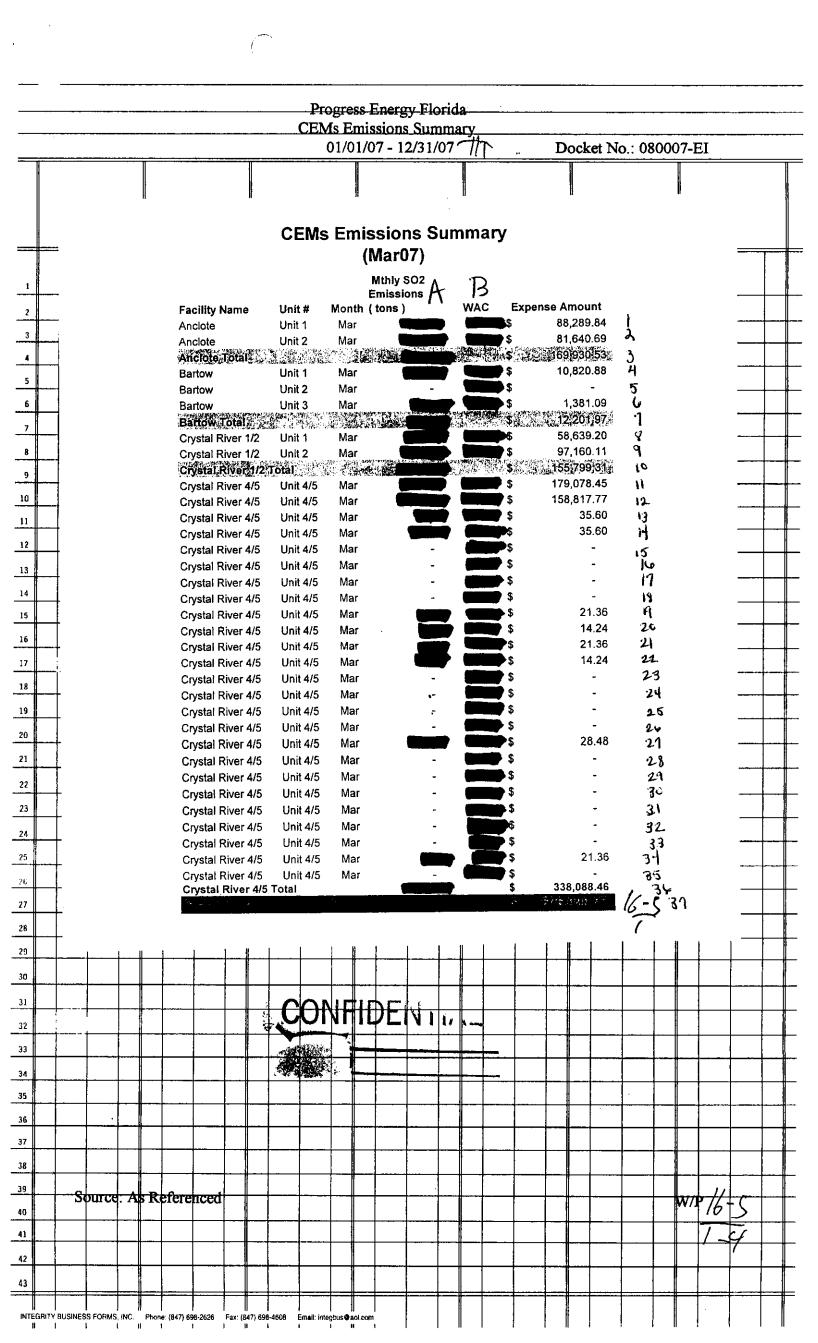
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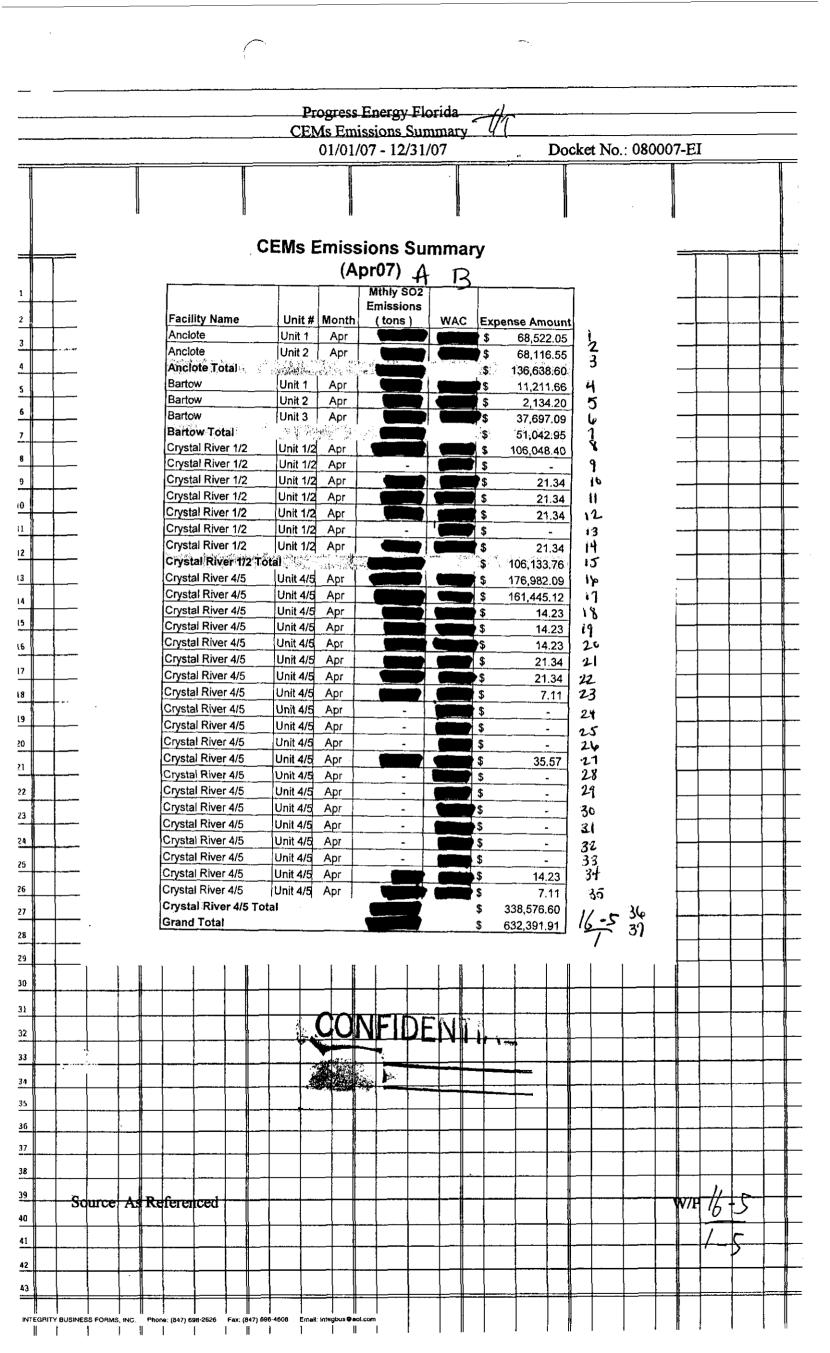
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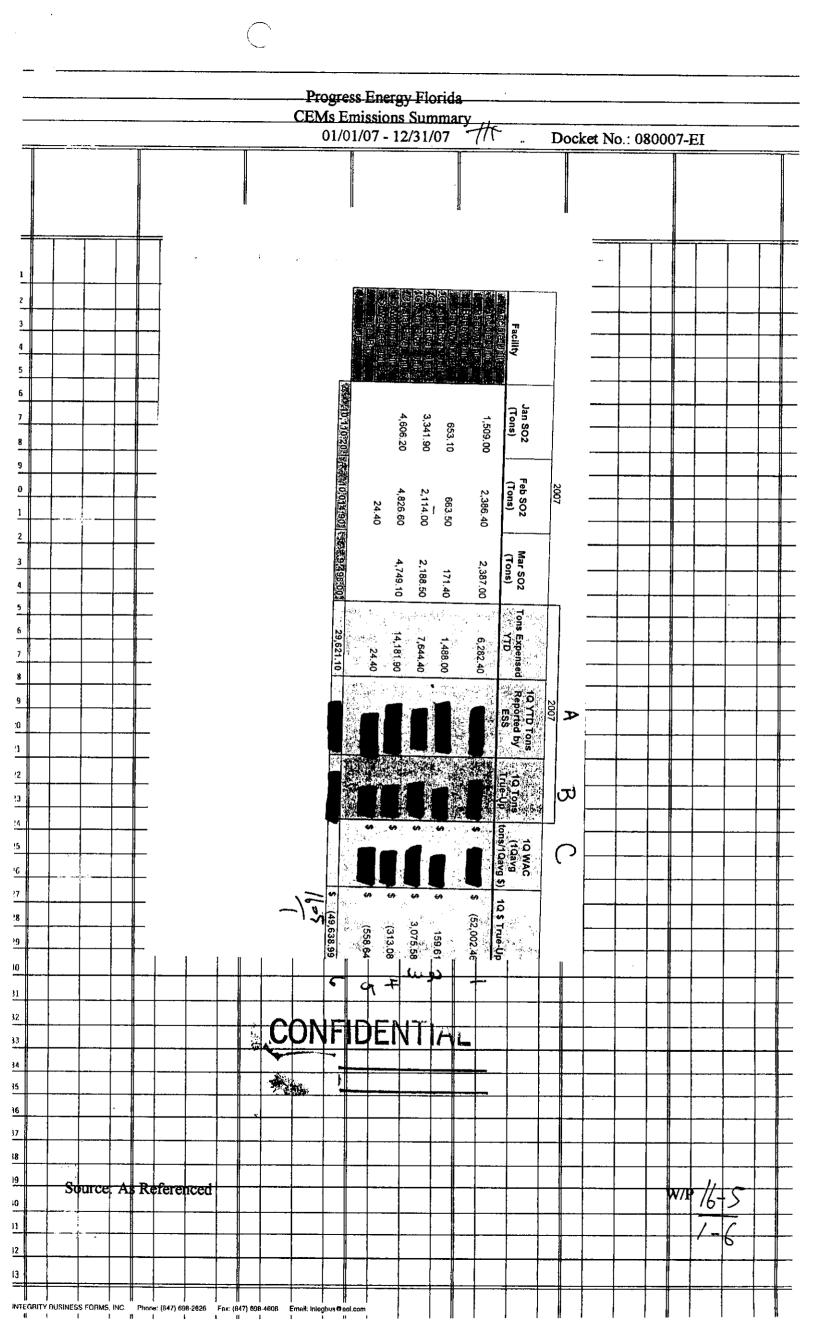


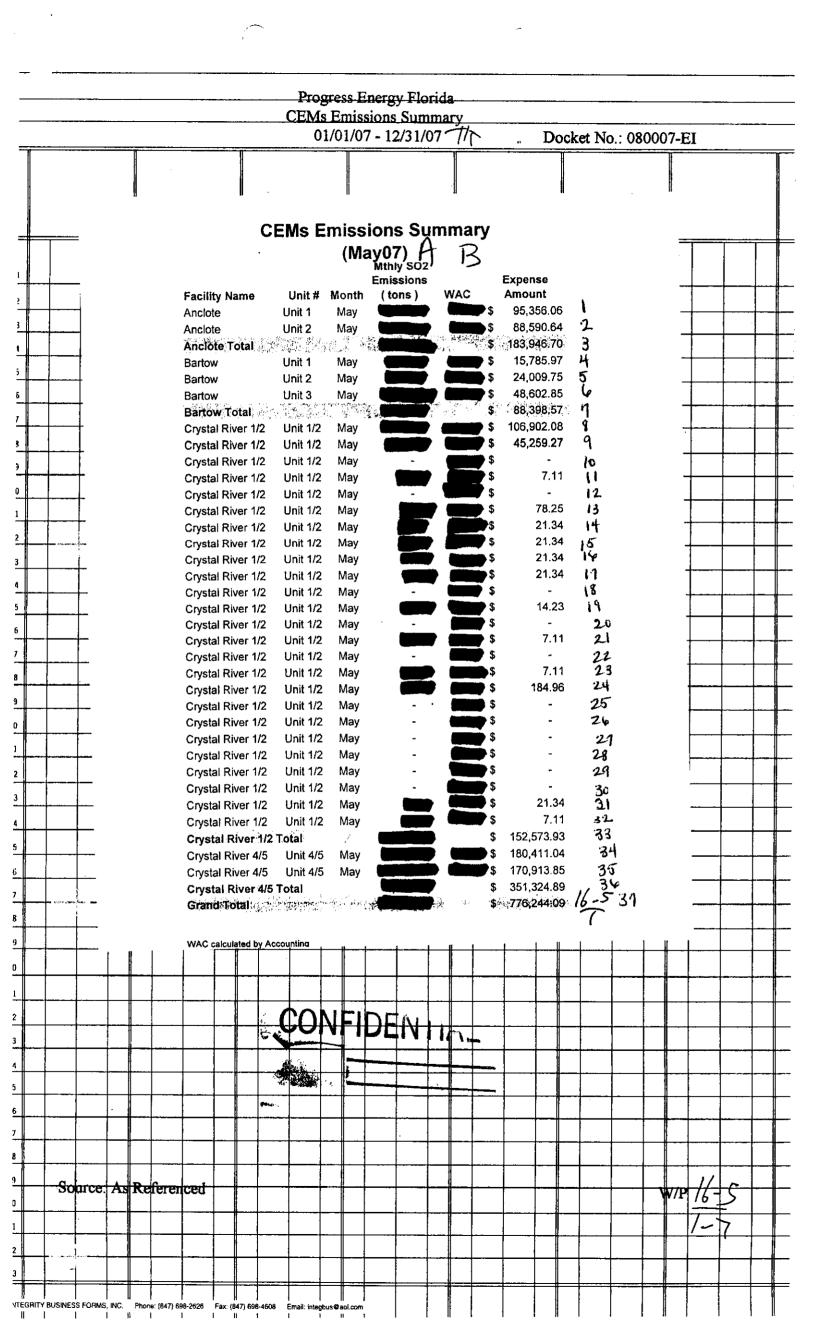


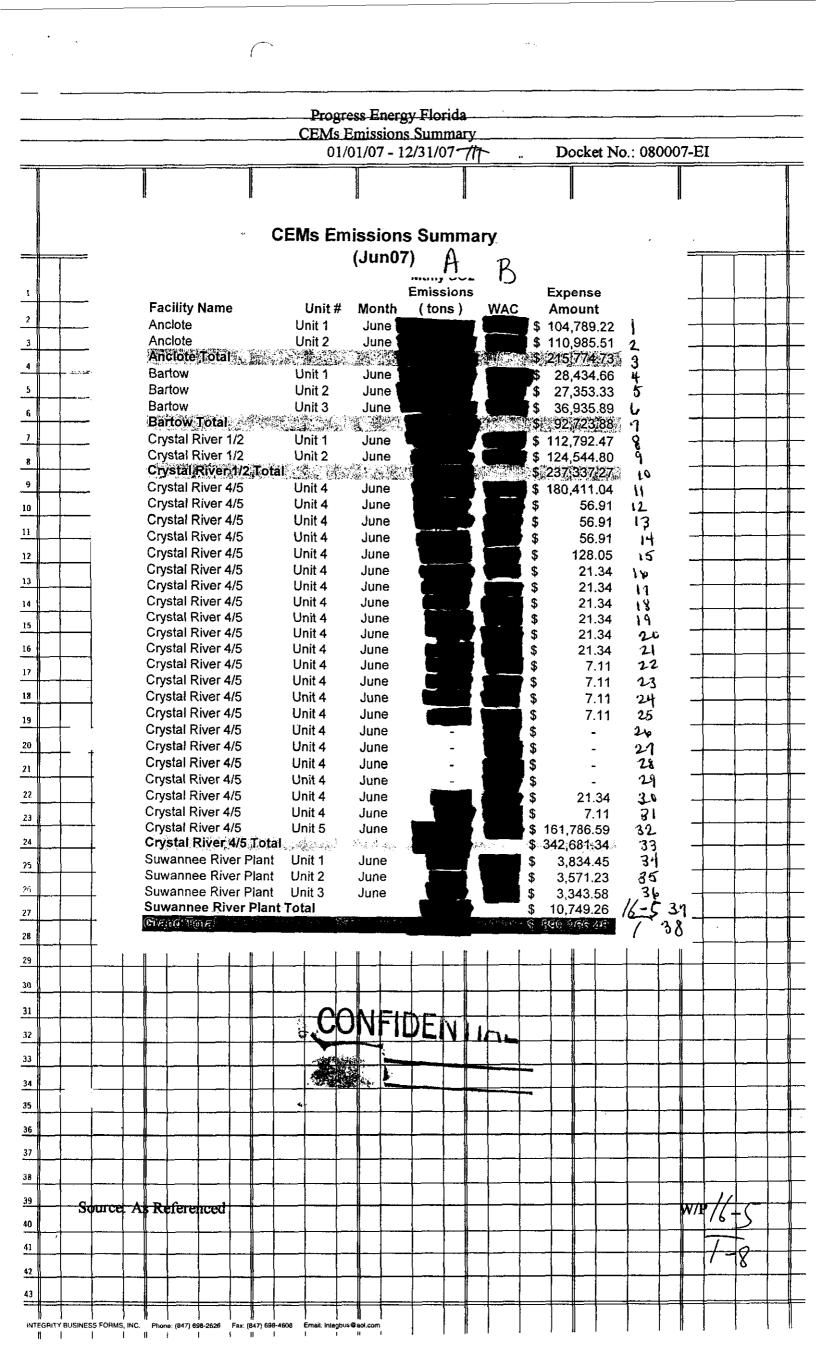


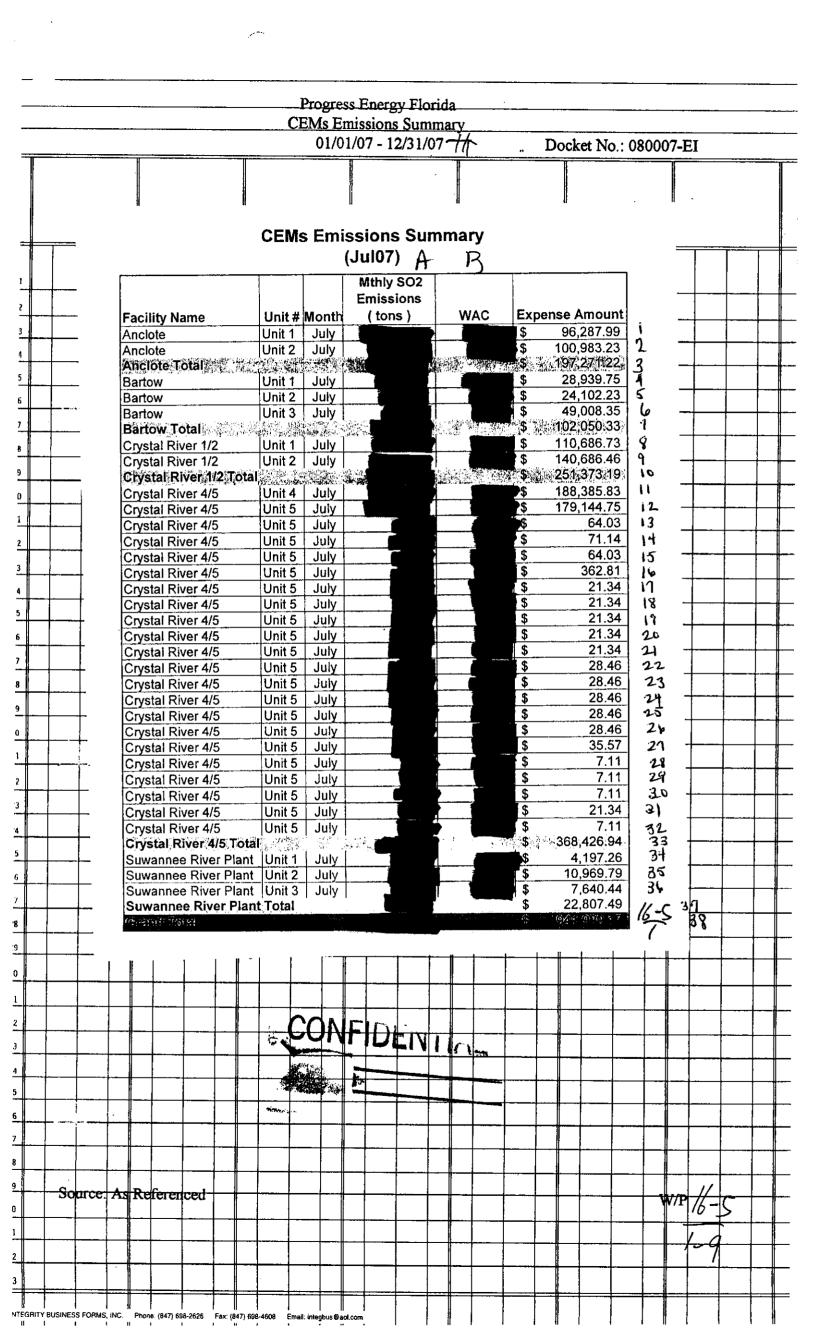


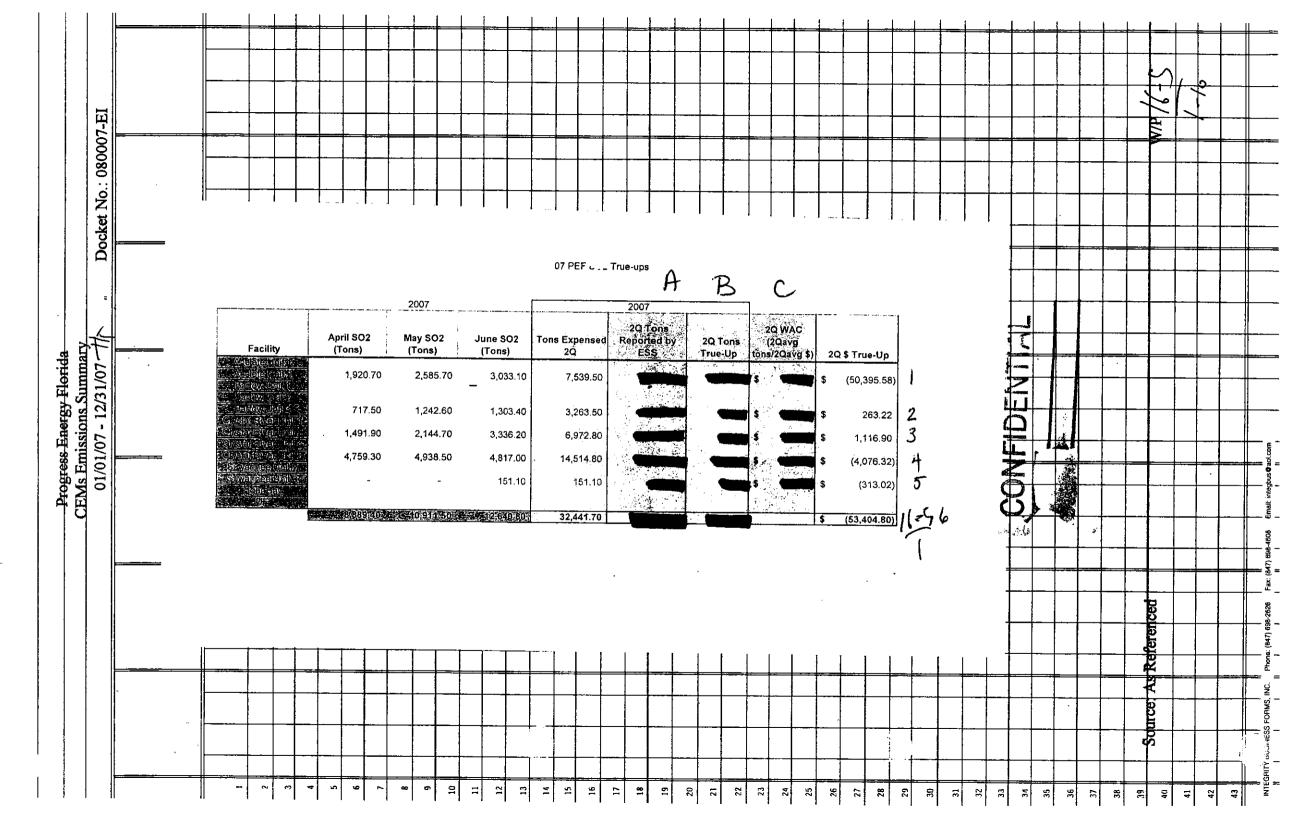












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