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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost  
Recovery Clause

Docket No. 080009-EI COMMISSION  
Submitted for Filing: July 28, 2008 CLERK

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

Progress Energy Florida ("PEF" or the "Company"), pursuant to Section 366.093, Fla. Stats., and Rule 25-22.006, F.A.C., requests confidential classification of portions of the documents responsive to Staff's Second Request for Production of Documents (No. 8), portions of which contains information regarding PEF's confidential and proprietary scheduling and cost projections for the project for the remainder of 2008, and 2009 through 2012. The unredacted documents discussed above are being filed under seal with the Commission on a confidential basis to keep the competitive business information in those documents confidential.

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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. Stats. 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. Stats. Specifically, "information...

the disclosure of which would impair the efforts of the public utility or its affiliates to contract

for goods or services on favorable terms" is defined as proprietary confidential business

DOCUMENT NUMBER-DATE

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information. § 366.093(3)(d), Fla. Stats. 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. Subsection 366.093(3)(b) further defines “internal auditing controls and reports of internal audits” as proprietary confidential business information.

**PEF's Response to Staff's Second Request for Production of Documents No. 8**

Portions of the documents responsive to Staff's Second Request for Production of Documents (No. 8), should be afforded confidential treatment for the reasons set forth in the Affidavit of Daniel L. Roderick filed in support of PEF's Sixth Request for Confidential Classification and for the following reasons. Staff's Request Number 8 calls for documents that contain sensitive business information regarding the Company's planned construction schedule for the CR3 Uprate and Levy nuclear projects. PEF is requesting confidential classification of this scheduling information because public disclosure of the information in question would allow other parties to discover when the Company plans to purchase and install various pieces of equipment for these projects and would thus impair PEF's ability to contract for such services on competitive and favorable terms.

PEF must negotiate and contract for certain pieces of equipment well in advance of the actual installation of that equipment. If potential vendors and utilities or other potential purchasers competing for the equipment orders knew when PEF must purchase such equipment, PEF's ability to negotiate for and timely obtain such equipment will likely be impaired. (Affidavit of Daniel L. Roderick at ¶ 5). In order to obtain competitive contracts for the benefit of its ratepayers, PEF must be able to negotiate for long-lead items without potential vendors or competing purchasers knowing when the equipment must be ordered to meet deadlines. For

example, if potential vendors or competing purchasers knew that PEF needed a particular piece of equipment by a certain date, they may change their behavior in the marketplace to the detriment of PEF's ratepayers. Id. PEF has kept confidential and has not publicly disclosed the proprietary schedule terms and provisions at issue here. Id.

Upon receipt of this confidential information, strict procedures are established and followed to maintain the confidentiality of the 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. (Affidavit of Daniel L. Roderick at ¶ 6). At no time since receiving the information in question has the Company publicly disclosed that information. Id. The Company has treated and continues to treat the information at issue as confidential. Id.

### Conclusion

The competitive, confidential information at issue in this request fits the statutory definition of proprietary confidential business information under Section 366.093 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 containing one copy of the confidential Appendix A to PEF's Sixth Request for Confidential Classification 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 Florida Public Service Commission;**


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

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

WHEREFORE, PEF respectfully requests that the redacted portions of its responses to Staff's Second Request for Production, No. 8, be classified as confidential for the reasons set forth above.

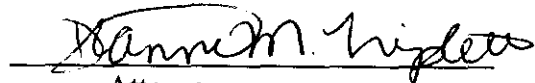
Respectfully submitted this 28<sup>th</sup> day of July, 2008.

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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 28<sup>th</sup> day of July, 2008.

  
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**CONFIDENTIAL**

**Public Service Commission**

**ACKNOWLEDGEMENT**

DATE: July 28, 2008

TO: Dianne Triplett, Michael Walls/Carlton Fields Law Firm

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 080009 or, if filed in an undocketed matter, concerning documents responsive to staff's 2<sup>nd</sup> request for PODs (No. 8), and filed on behalf of Progress Energy. 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.

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