

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CLERK

In re: Petition for approval of negotiated purchase power contract with Trans World Energy LLC by Progress Energy Florida, Inc.

Docket No. 110047-EQ

Dated: March 18, 2011

**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 certain information contained in the Responses to Staff's Data Request No. 1 filed on March 18, 2011. In support of this Request, PEF states:

1. The Response to Staff Data Request No. 1 contains information that is "proprietary business information" under Section 366.093(3), Florida Statutes.

2. The following exhibits are included with this request:

(a) Sealed Composite Exhibit A is a package containing unredacted copies of all the documents for which PEF seeks confidential treatment. Composite 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.

(b) Composite 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.

- COM
- APA
- ECR
- GCL
- RAD**
- SSC
- ADM
- OPC
- CLK

- claim of confidentiality
- notice of intent
- request for confidentiality
- filed by OPC

For DN 01824-11, which is in locked storage. You must be authorized to view this DN.-CLK

DOCUMENT NUMBER-DATE

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(c) Exhibit C is a justification 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 competitively negotiated contractual data, such as contractor names, contract terms, financing information, forecasted fuel prices, payment and cost information, and other Trans World project information, the disclosure of which would impair the efforts of the Company or its affiliates to negotiate purchase power contracts on favorable terms. *See* § 366.093(3)(d), F.S.; Affidavit of David Gammon at ¶ 5. Furthermore, the information at issue relates to the competitive interests of both PEF and Trans World Energy LLC (“Trans World”), the disclosure of which would impair their competitive businesses. *Id.* § 366.093(3)(e); Affidavit of David Gammon 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.

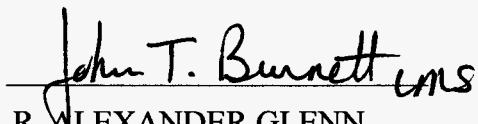
4. The information identified as Exhibit “A” is intended to be and is treated as confidential by the Company. *See* Affidavit of David Gammon at ¶ 7. The information has not been disclosed to the public, and both PEF and Trans World have treated and continues to treat the information at issue as confidential. *See* Affidavit of David Gammon at ¶ 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 18<sup>th</sup> day of March, 2011.

Handwritten signature of John T. Burnett in black ink, with the initials 'ems' written at the end of the signature.

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## Public Service Commission

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**Re: Acknowledgement of Confidential Filing in Docket No. 110047-EQ**

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on March 18, 2011, in the above-referenced docket.

Document Number 01824-11 has been assigned to this filing, which will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.