

Hopping Green & Sams

Attorneys and Counselors

Writer's Direct Dial No.
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November 5, 2007

BY HAND DELIVERY

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

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07 NOV -5 PM 2:11
COMMISSION
CLERK

Re: Docket No. 070007-EI - Request for Confidential Classification

Dear Ms. Cole:

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

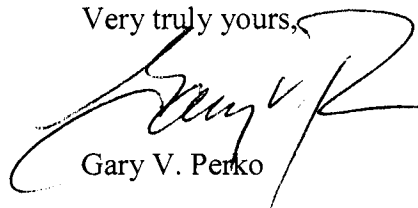
(1) The original and seven copies of its Request for Confidential Classification, including Exhibit A, which identifies by page and line the information for which PEF seeks confidential treatment.

(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.

Very truly yours,



Gary V. Perko

- CMP _____
- COM _____
- CTR _____
- ECR 1 _____
- GCL 1 _____
- OPC _____
- RCA _____
- SCR _____
- SGA _____
- SEC _____
- OTH 1 conf records _____

Enclosures

DOCUMENT NUMBER - 00000
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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 5th day of November, 2007.

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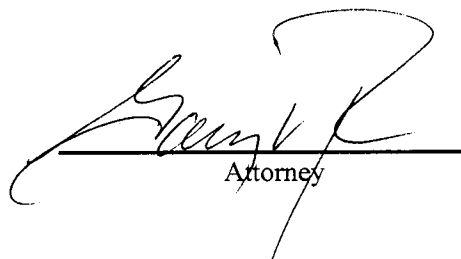
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Attorney

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Environmental Cost Recovery Clause.

DOCKET NO. 070007-EI

FILED: NOVEMBER 5, 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, submits this Request for Confidential Classification of certain information provided in its response to Staff’s Second Request for Production of Documents (2-8). PEF filed a Notice of Intent to Request Confidential Classification for this information on October 23, 2007 pursuant to Rule 25-22.006, F.A.C. This Request for Confidential Classification is filed pursuant to that Notice of Intent. In support of this Request, Progress Energy states:

1. On October 23, 2007, PEF filed with the Commission confidential information in response to Staff’s Second Request for Production of Documents (2-8). As further explained in Exhibit A to this Request, certain information provided in response to Staff’s Second Request for Production of Documents contain confidential contractual data, “the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms.” § 366.093(3)(d), F.S. The information also relates to PEF’s competitive interests, the disclosure of which would impair PEF’s competitive business. § 366.093(3)(e), F.S. As such, all of the information identified in Exhibit A constitutes “proprietary confidential business information” as that term is defined in Section 366.093, Florida Statutes, and is therefore exempt from disclosure under the Public Records Act.

2. The following exhibits are included with this request:

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

(b) 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.

(c) Exhibit C is a package containing unredacted copies of all the documents for which Progress Energy seeks confidential treatment. Exhibit C is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted versions, the information asserted to be confidential is highlighted in yellow. One document that has been redacted in its entirety is copied on yellow paper.

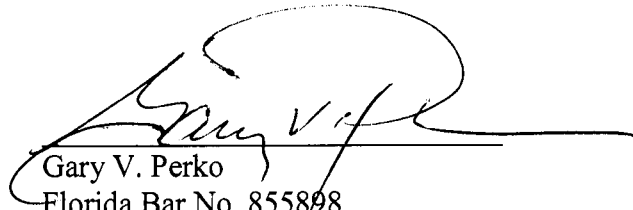
3. The information identified in Exhibit "A" and included in Exhibit C is intended to be and is treated as confidential by the Company. The information has not been disclosed to the public.

4. PEF requests that the information identified in Exhibit A and included in Exhibit C 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, Progress Energy Florida, Inc., respectfully requests that this Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this ^{5th}5 day of November, 2007.

HOPPING GREEN & SAMS, P.A.

A handwritten signature in black ink, appearing to read "Gary V. Perko", written over a horizontal line.

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Attorneys for PROGRESS ENERGY FLORIDA

EXHIBIT A
To Progress Energy Florida's
Request for Confidential Classification
Docket No. 070007-EI

Document	Page (Bates Number)	Line No(s).	Justification (see legend below)
Fuel Price Forecasts	PEF POD2 - 00001	1-8	A
	PEF POD2 - 00002	1-8	A
	PEF POD2 - 00003	1-33	A
	PEF POD2 - 00004	1-33	A
PE - Crystal River SCR & WFGD bid evaluation spreadsheet	PEF POD2 - 00005	All	B
Progress Energy Bid Review re: Crystal River FGD & SCR Project - dated October 3, 2007	PEF POD2 - 02156	1-3	B
	PEF POD2 - 02157	1-4	B
	PEF POD2 - 02158	1-3	B
Progress Energy Bid Review re: Crystal River FGD & SCR Project - dated October 3, 2007 Attachment A	PEF POD2 - 02159 PEF POD2 - 02160	1-67	B
Progress Energy Bid Review re: Crystal River FGD & SCR Project - dated October 3, 2007 Attachment B	PEF POD2 - 02161 PEF POD2 - 02162	1-28	B

DOCUMENT NUMBER-DATE

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EXHIBIT A
To Progress Energy Florida's
Request for Confidential Classification
Docket No. 070007-EI

LEGEND

- A **FUEL FORECAST INFORMATION** - This information includes fuel forecasts used in PEF's analysis of potential clean air regulatory compliance plans. The disclosure of such would place Progress Energy or its affiliates at a competitive disadvantage when negotiating with fuel suppliers. Disclosure of the fuel forecast information would provide potential fuel suppliers with knowledge of what the Company expects to pay for fuel in the future. This knowledge would give suppliers significant competitive advantage in future contract negotiations because they would no longer need to make their best offers to ensure the competitiveness of their rates against the Company's forecasts. Instead, suppliers could simply offer the highest rates that would allow them to maintain a marginally competitive position against the Company's market forecasts. 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. Furthermore, the information relates to the competitive interests of Progress Energy and its affiliates, the disclosure of which would impair their competitive businesses. *Id.* § 366.093(3)(e). 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. The Commissions previously has granted confidential classification for similar fuel forecast information. *See e.g.*, Order No. PSC-05-0728-CFO-EI, issued in Docket No. 041393-EI (July 1005).
- B **CONTRACTUAL/BID INFORMATION** – The redacted information includes contractual data related to PEF's evaluation of potential costs and other matters related to the design, engineering, equipment procurement and/or construction contract for air pollution control projects at Progress Energy's Crystal River Plant Units 4 and 5. PEF negotiates with design, engineering and construction companies to obtain competitive contracts for the design and construction of major projects at its facilities, including the air pollution control projects. In order to obtain such contracts, PEF must be able to assure such companies that sensitive business information, such as the terms of their bids and related cost information, will be kept confidential. Absent such measures, the companies would run the risk that sensitive business information that they provided in their negotiations 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 such information confidential. Without PEF's measures to maintain the confidentiality of sensitive information related to contract negotiations between PEF and such companies, the Company's efforts to obtain competitive design and construction contracts could be undermined. Accordingly the redacted information constitutes confidential contractual data, "the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms." § 366.093(3)(d), F.S. Additionally, the disclosure of confidential information discussed above could adversely impact PEF's competitive business interests. If such information was disclosed to PEF's competitors, PEF's efforts to obtain competitive design and construction options that provide economic value to both PEF and its ratepayers could be compromised by PEF's competitors changing their negotiating behavior within the relevant markets. Accordingly, the redacted information relates to PEF's competitive interests, the disclosure of which would impair PEF's competitive business. § 366.093(3)(e), F.S. For all of these reasons, this information constitutes "proprietary confidential business information" which is exempt from the public records act pursuant to § 366.093(1), F.S.

STATE OF FLORIDA

COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
MATTHEW M. CARTER II
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP



OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

CONFIDENTIAL
Public Service Commission

ACKNOWLEDGEMENT

DATE: November 5, 2007

TO: Hopping Law Firm/G. Perko

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 070007-EI or, if filed in an undocketed matter, concerning information provided in response to staff's 2nd request for PODs, and filed on behalf of Progress. 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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