

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery clause.

Docket No. 090002-EG

Submitted for Filing: October 6, 2009

COMMISSION CLERK'S

09 OCT -6 PM 1:47

RECEIVED-FPSC

**PROGRESS ENERGY FLORIDA'S NOTICE OF INTENT TO REQUEST 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.), files this Notice of Intent to Request for Confidential Classification of the documents produced in response to Florida Industrial Power Users Group's ("FIPUG") First Request for Production (Nos. 1-3), specifically, portions of the documents responsive to request numbers 2 & 3. The information being provided in response to these requests contain confidential contractual information, as well as other confidential information relating to the Company's competitive interests, the release of which would harm the company's competitive business interests, as well as violate contractual confidentiality provisions. For these reasons, PEF is requesting that the Commission afford these documents confidential classification.

PEF is providing as Exhibit A a CD containing the confidential information in question.

Pursuant to Rule 25-22.006(3)(a)(1), PEF will file its Request for Confidential Classification for such confidential information contained therein within twenty-one (21) days of

filing this request.

COM

ECR 3

GCL 1

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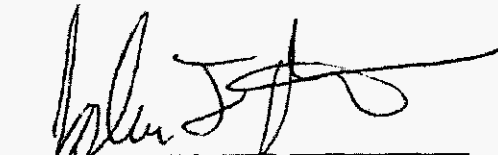
RESPECTFULLY SUBMITTED this 6th day of October, 2009.

This docketed notice of intent was filed with Confidential Document No. 10302-09. The document has been placed in confidential storage pending timely receipt of a request for confidentiality.

DOCUMENT NUMBER-DATE

10301 OCT-6 09

FPSC-COMMISSION CLERK



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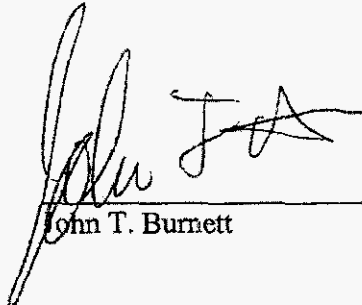
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via electronic and U.S. Mail to the following counsel of record as indicated below on this 6th day of October, 2009.



---

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Energy conservation cost recovery  
clause.

DOCKET NO. 090002-EG  
DATED: September 16, 2009

**FLORIDA INDUSTRIAL POWER USERS GROUP'S  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1-3)  
TO PROGRESS ENERGY FLORIDA, INC.**

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, The Florida Industrial Power Users Group (FIPUG), by and through its undersigned attorneys, hereby serves the following First Request for Production of Documents (Nos. 1-3) upon Progress Energy Florida (PEF).

Please produce the following documents at the offices of Keefe, Anchors, Gordon & Moyle, 118 N. Gadsden Street, Tallahassee, FL 32301, within the time specified in Order No. PSC-09-0184-PCO-EG.

**DEFINITIONS**

The terms "PEF" and "Company" encompass Progress Energy Florida, its predecessor firm name (*Florida Power Corporation*), together with the officers, employees, consultants, agents, representatives, attorneys, and any other person or entity acting on behalf of Progress Energy Florida.

"You," "your," and "Company," refer to PEF, as defined in the previous paragraph, together with the officers, employees, consultants, agents, representatives, and attorneys of PEF, as well as any other person or entity acting on behalf of PEF.

"Florida Industrial Power Users Group" is defined as FIPUG.

As used herein, the word "documents" shall mean the original and any non-identical copies of any writing or record, including but not limited to a book, pamphlet, periodical, letter, memorandum, telegram, report, study, interoffice or intraoffice, handwritten or other notes,

working paper, draft, application, permit, chart, paper, graph, survey, index, tape, disc, data sheet or data processing card, computer printout, or any other written, recorded, transcribed, filed or graphic matter, however produced or reproduced.

**DOCUMENTS REQUESTED**

1. Please provide all documents supporting your response to Interrogatory No. 1 in Excel or Excel compatible format with all formulas intact.
2. Please provide all workpapers supporting the response to Interrogatory No. 2 in Excel or Excel compatible format with all formulas intact.
3. Please provide all documents supporting your response to Interrogatory No. 3.

s/ Vicki Gordon Kaufman

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Attorneys for FIPUG

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Florida Industrial Power Users Group's First Request for Production of Documents (Nos. 1-3) to Progress Energy Florida, was served via Electronic Mail and First Class United States Mail this 16<sup>th</sup> day of September, 2009, to the following:

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s/Vicki Gordon Kaufman  
Vicki Gordon Kaufman

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

## Public Service Commission

### ACKNOWLEDGEMENT

DATE: October 6, 2009

TO: John T. Burnett, Esquire

FROM: Marguerite H. Mclean, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

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This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 090002-EG or, if filed in an undocketed matter, concerning portions of documents produced in response to FIPUG's 1st request for PODs (Nos. 2-3), and filed on behalf of Progress Energy Florida, Inc. 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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