



Public Service Commission

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COMMISSION
CLERK

DATE: 04/28/11

TO: Division of Regulatory Analysis, Office of Primary Responsibility

FROM: OFFICE OF COMMISSION CLERK

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCKET NO(s): 110090-EQ DOCUMENT NO(s): 02897-11

DESCRIPTION: Progress (Burnett) - (CONFIDENTIAL) Certain information contained in responses to staff data request No. 1.

SOURCE: Progress Energy Florida, Inc.

The above confidential material was filed along with a request for confidential classification. In accordance with Section 11.04.C.5.c.(4) of the APM, please complete the following form by checking all applicable information and forward it to the attorney assigned to the docket, along with a brief memorandum supporting your recommendation.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
 - The utility has provided enough details to perform a reasoned analysis of its request.
 - The material has been received incident to an inquiry.
 - The material is confidential business information because it includes:
 - (a) Trade secrets;
 - (b) Internal auditing controls and reports of internal auditors;
 - (c) Security measures, systems, or procedures;
 - (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company to contract for services on favorable terms;
 - (e) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
 - (f) Tax returns or tax-related information;
 - (g) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.
- COM
- APA The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure. *excluding Attachment A identified in DN 02896-11.*
- ECR
- GCL The material appears not to be confidential in nature. *See memo.*
- RAD The material is a periodic or recurring filing and each filing contains confidential information.
- SSC
- ADM This response was prepared by Philip Thi on 6/18/11. I have provided one copy of the full recommendation to the Office of General Counsel and two copies to the Office of Commission Clerk for the docket file and processing of the confidential material.
- OPC
- CLK

DOCUMENT NUMBER-DATE
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FPSC-COMMISSION CLERK



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TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: June 8, 2011
TO: Pauline Robinson, Attorney, Office of the General Counsel
FROM: Phillip O. Ellis, ^{PEF} Engineering Specialist II, Division of Regulatory Analysis
RE: Confidential Document No. 02897-11, relating to Docket No. 110090-EQ

Progress Energy Florida, Inc. (PEF) has requested two items be considered confidential relating to their competitively negotiated contract with U.S. EcoGen Polk, LLC. The first, identified as Attachment A in Document No. (DN) 02896-11, requests confidentiality of an avoided payment stream relating to PEF's standard offer contract. The second, identified as Attachment B in DN 02896-11, requests confidentiality of an extended fuel forecast. PEF requests confidentiality under Section 366.093(3), Florida Statutes (F.S.), which states:

(3) Proprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. Proprietary confidential business information includes, but is not limited to:

- (a) Trade secrets.
- (b) Internal auditing controls and reports of internal auditors.
- (c) Security measures, systems, or procedures.
- (d) Information concerning bids or other 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.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

Staff has reviewed PEF's confidentiality request. In staff's opinion, Attachment A does not meet the requirements established by Section 366.093(3), F.S., as the estimated payments for the standard offer contract have been previously disclosed in this and other dockets. Attachment B, however, does appear to meet the requirements detailed above, and contains information relating to competitive interests which could impair the competitive business of the provider in the future. Therefore, staff recommends that the request for confidentiality for Document No. 02897-11 be denied for Attachment A, and approved for Attachment B.