

# Hopping Green & Sams

Attorneys and Counselors

Writer's Direct Dial No.  
(850) 425-2359

May 30, 2012

## BY HAND DELIVERY

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

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

For DN 03462-12, which  
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RECEIVED -FPSC  
12 MAY 30 PM 4:40  
COMMISSION  
CLERK

Re: Docket No. 120007-EI – Request for Confidential Classification

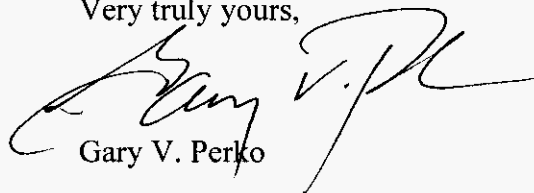
Dear Ms. Cole:

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 document; and
- (3) A CONFIDENTIAL envelope containing Exhibit C which includes one copy of the document 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

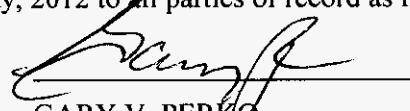
COM	_____
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SRC	_____
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OPC	_____
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2012 MAY 30 PM 4:40

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic and regular U.S. Mail this 31<sup>st</sup> day of May, 2012 to all parties of record as indicated below.

  
GARY V. PERKO

<p>Charles Murphy, Esq. Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 <a href="mailto:cmurphy@psc.state.fl.us">cmurphy@psc.state.fl.us</a></p> <p>James D. Beasley, Esq. Jeffrey Wahlen, Esq. Ausley &amp; McMullen Law Firm P.O. Box 391 Tallahassee, FL 32302 <a href="mailto:jbeasley@ausley.com">jbeasley@ausley.com</a></p> <p>John T. Butler, Esq. Florida Power &amp; Light Co. 700 Universe Boulevard Juno Beach, FL 33408 <a href="mailto:John.butler@fpl.com">John.butler@fpl.com</a></p> <p>Ken Hoffman Florida Power &amp; Light 215 S. Monroe Street, Ste. 810 Tallahassee, FL 32301-1859 <a href="mailto:Wade.litchfield@fpl.com">Wade.litchfield@fpl.com</a></p> <p>Jeffrey A. Stone, Esq. Russell A. Badders, Esq. Steven R. Griffin Beggs &amp; Lane Law Firm P.O. Box 12950 Pensacola, FL 32591 <a href="mailto:jas@beggslane.com">jas@beggslane.com</a> <a href="mailto:rab@beggslane.com">rab@beggslane.com</a>; <a href="mailto:srg@beggslane.com">srg@beggslane.com</a></p> <p>Ms. Paula K. Brown Tampa Electric Company P.O. Box 111 Tampa, FL 33601 <a href="mailto:regdept@tecoenergy.com">regdept@tecoenergy.com</a></p> <p>Capt Samuel Miller c/o AFLSA/JACL-ULT 139 Barnes Drive, Suite 1 Tyndall AFB, FL 32403-5319 <a href="mailto:samuel.miller@tyndall.af.mil">samuel.miller@tyndall.af.mil</a></p>	<p>J.R.Kelly/Charles Rehwinkel Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, #812 Tallahassee, FL 32399 <a href="mailto:Kelly.jr@leg.state.fl.us">Kelly.jr@leg.state.fl.us</a> <a href="mailto:Rehwinkel.charles@leg.state.fl.us">Rehwinkel.charles@leg.state.fl.us</a></p> <p>Mr. James W. Brew, Esq. c/o Brickfield Law Firm 1025 Thomas Jefferson St., NW 8<sup>th</sup> Floor, West Tower Washington, DC 20007 <a href="mailto:jbrew@bbrslaw.com">jbrew@bbrslaw.com</a></p> <p>Keefe Law Firm Vicki Gordon Kaufman Jon C. Moyle, Jr. 118 North Gadsden Street Tallahassee, FL 32301 <a href="mailto:vkaufman@moylelaw.com">vkaufman@moylelaw.com</a> <a href="mailto:jmoyle@moylelaw.com">jmoyle@moylelaw.com</a></p> <p>Ms. Susan D. Ritenour Gulf Power Company One Energy Place Pensacola, FL 32520-0780 <a href="mailto:sdriteno@southernco.com">sdriteno@southernco.com</a></p> <p>White Springs Agricultural Chemicals P.O. Box 300 White Springs, FL 32096 <a href="mailto:Rmiller@pcsphosphate.com">Rmiller@pcsphosphate.com</a></p> <p>R. Alexander Glenn/John Burnett/Dianne Triplett P.O. Box 14042 St. Petersburg, FL 33733 <a href="mailto:John.burnett@pgnmail.com">John.burnett@pgnmail.com</a> <a href="mailto:Dianne.triplett@pgnmail.com">Dianne.triplett@pgnmail.com</a></p> <p>Paul Lewis, Jr. 106 E. College Ave., Ste. 800 Tallahassee, FL 32301 <a href="mailto:Paul.lewisjr@pgnmail.com">Paul.lewisjr@pgnmail.com</a></p>
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BEFORE THE PUBLIC SERVICE COMMISSION

In re: Environmental Cost Recovery Clause.

DOCKET NO. 120007-EI

FILED: MAY 30, 2012

**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 information being provided in response to Staff’s First Set of Interrogatories (Nos. 1-5). In support of this request, PEF states:

1. Contemporaneously with this request, PEF is serving its responses to Staff’s First Set of Interrogatories (Nos. 1-5) which, for the reasons discussed below, includes the following proprietary confidential business information:

(a) In response to Staff Interrogatory No. 5, PEF is providing competitively sensitive information related to PEF’s disposal and sale of gypsum generated by air pollution control equipment at Crystal River Units 4 and 5. Such information includes the amount of gypsum sold and disposed of, the costs paid by PEF for disposal, the amounts paid to PEF for gypsum sold to third parties, and the names of third parties to whom PEF has sold gypsum. Disclosure of this information would give potential disposal contractors and potential gypsum purchasers significant competitive advantage in future negotiations because they would no longer need to make their best offers to ensure the competitiveness of their proposed rates or prices. Additionally, disclosure of PEF’s gypsum customers would enable other gypsum suppliers to target PEF’s customers. As such, disclosure of this information impair the efforts of PEF to contract for goods or services on favorable terms. *See* § 366.093(3)(d), F.S.

Furthermore, the information at issue relates to the competitive interests of PEF and its natural gas transportation supplier, the disclosure of which would impair their competitive businesses. *Id.* § 366.093(3)(e). 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.

2. The following exhibits are included with this request:

(a) Exhibit A is a table which identifies the information for which PEF seeks confidential classification and the specific statutory bases 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. In the redacted version of the documents, the confidential information has been blackened out by opaque marker or other means.

(c) Exhibit C is a package containing unredacted copies of the documents for which PEF seeks confidential treatment. Exhibit C is being submitted separately in a sealed envelope labeled “CONFIDENTIAL.” In the unredacted versions of the documents, the confidential information has been highlighted in yellow.

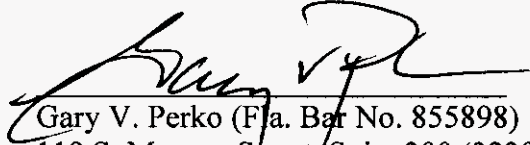
3. The information in Exhibit C is intended to be and is treated as confidential by PEF. The information has not been disclosed to the public.

4. Progress Energy requests that the information 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 30<sup>th</sup> day of May, 2012.

HOPPING GREEN & SAMS, P.A.



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Facsimile: 805-224-8551

Attorneys for PROGRESS ENERGY FLORIDA

**EXHIBIT "A"**

**JUSTIFICATION FOR CONFIDENTIAL CLASSIFICATION**

<b>Document</b>	<b>Line(s)</b>	<b>Column(s)</b>	<b>Description</b>	<b>Statutory Justification</b>
Response to Staff Interrogatory No. 5(b)	1-2	A	Information regarding the amount of paid to PEF by third party gypsum purchasers	§366.093(3)(d) and(e), F.S.
	1-2	B	Information regarding the amount paid by PEF for disposal of gypsum	§366.093(3)(d), F.S.
	1-2	C	Information regarding the amount paid by PEF for transportation of gypsum to disposal sites	§366.093(3)(d) , F.S.
Response to Interrogatory No. 5(e)	1-3	A, B	Information regarding the amount of gypsum sold to third parties by PEF	§366.093(3)(d) and(e), F.S.
	1-3	C, D	Information regarding the amount of gypsum disposed of by PEF	§366.093(3)(d), F.S.
Response to Staff Interrogatory No. 5(j)	1-9	N/A	Information regarding the identity of third party gypsum purchasers	§366.093(3)(d) and(e), F.S.