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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Nuclear Power Plant Cost
Recovery Clause

Docket No. 100009-EI
Submitted for Filing: July 12, 2010

PROGRESS ENERGY FLORIDA'S FIFTEENTH REQUEST FOR CONFIDENTIAL CLASSIFICATION REGARDING PEF'S RESPONSES TO STAFF'S SIXTH SET OF INTERROGATORIES TO PROGRESS ENERGY FLORIDA (NOS. 20-25)

Progress Energy Florida, Inc. ("PEF" or the "Company"), pursuant to Sections 366.093, Florida Statutes, and Rule 25-22.006(3), Florida Administrative Code, requests confidential classification of portions of the documents produced in response to Staff's Sixth Set of Interrogatories (Nos. 20-25), specifically numbers 20 and 21. The documents provided in response to these interrogatories contain confidential technical business information, the disclosure of which would impair PEF's competitive business interests. The documents at issue meet the definition of proprietary confidential business information under section 366.093(3), Florida Statutes. The unredacted document is being filed under seal with the Commission on a confidential basis to keep the competitive business information confidential.

BASIS FOR CONFIDENTIAL CLASSIFICATION

Section 366.093(1), Florida Statutes, provides that "any records received by the Commission which are shown and found by the Commission to be proprietary confidential business information shall be kept confidential and shall be exempt from [the Public Records Act]." § 366.093(1), Fla. Stat. Proprietary confidential business information means information

that is (i) intended to be and is treated as private confidential information by the Company, (ii) because disclosure of the information would cause harm, (iii) either to the Company's customers or the Company's business operation, and (iv) the information has not been voluntarily disclosed to the public. § 366.093(3), Fla. Stat. Specifically, "information concerning bids or other

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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” is defined as proprietary confidential business information. § 366.093(3)(d), Fla. Stat. Additionally, section 366.093(3)(e) defines “information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information,” as proprietary confidential business information.

The aforementioned spreadsheets should be afforded confidential classification for the reasons set forth in the Affidavit of Jon Franke, filed in support of PEF’s Request for Confidential Classification, and for the following reasons.

The documents at issue contain sensitive and confidential information related to the Crystal River Unit 3 Uprate Project (“CR3 EPU”). More specifically, these spreadsheets contain technical information on the Company’s plans for the uprate project. See Affidavit of Franke, ¶ 4. As such, the Company considers this information confidential. Public disclosure of this information would give the Company’s competitors invaluable insight into PEF’s project plans, and therefore provide them an unfair competitive advantage. Id. This would put the Company at a competitive disadvantage when competing, or attempting to contract, with these other parties. Id. This document meets the definition of confidential proprietary business information pursuant to section 366.093(3)(e), Florida Statutes.

PEF has kept confidential and has not publicly disclosed the proprietary contract terms and provisions at issue here. Upon receipt of this confidential information, strict procedures are established and followed to maintain the confidentiality of the information provided, including restricting access to only those persons who need the information to assist the Company. See id. at ¶ 5. At no time since receiving the information in question has the Company publicly

disclosed that information. Id. The Company has treated and continues to treat the information at issue as confidential. Id.

CONCLUSION

The competitive, confidential information at issue in this request fits the statutory definition of proprietary confidential business information under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, and that information should be afforded confidential classification. In support of this motion, PEF has enclosed the following:

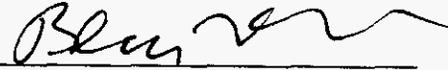
(1) A separate, sealed envelope containing one copy of the confidential Appendix A to PEF's Request for Confidential Classification for which PEF has requested confidential classification with the appropriate section, pages, or lines containing the confidential information highlighted. **This information should be accorded confidential treatment pending a decision on PEF's request by the Florida Public Service Commission;**

(2) Two copies of the documents with the information for which PEF has requested confidential classification redacted by section, page or lines, where appropriate, as Appendix B; and,

(3) A justification matrix supporting PEF's Request for Confidential Classification of the highlighted information contained in confidential Appendix A, as Appendix C.

WHEREFORE, PEF respectfully requests that the portions of information and documents produced in response to Staff's Sixth Set of Interrogatories, specifically numbers 20 and 21, be granted confidential classification and treated accordingly.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished to counsel and parties of record as indicated below via electronic and U.S. Mail this 12th day of July, 2010.



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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery Clause.

Docket No. 100009-EI

Submitted for Filing: July 12, 2010

PROGRESS ENERGY FLORIDA'S FIFTEENTH REQUEST FOR CONFIDENTIAL
CLASSIFICATION

ATTACHMENT B

Document Bearing Bates Number 10NC-FPSCINT6-20-000001

REDACTED

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery Clause.

Docket No. 100009-EI

Submitted for Filing: July 12, 2010

**PROGRESS ENERGY FLORIDA'S FIFTEENTH REQUEST FOR CONFIDENTIAL
CLASSIFICATION**

ATTACHMENT B

Document Bearing Bates Number 10NC-FPSCINT6-20-000001

PROGRESS ENERGY FLORIDA
In re: Nuclear Cost Recovery Clause
Docket 100009-EI
Fifteenth Request for Confidential Classification
Confidentiality Justification Matrix

ATTACHMENT C

DOCUMENT	PAGE/PARAGRAPH/LINE	JUSTIFICATION
PEF's Response to Staff's 6 th Interrogatories, number 20, document bearing bates number 10NC-FPSCINT6-20-000001	Document in its entirety	<p>§366.093(3)(e), Fla. Stat. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p> <p>§366.093(3)(d), Fla. Stat. The document in question contains confidential contractual information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p>
PEF's Response to Staff's 6 th Interrogatories, number 21, document bearing bates number 10NC-FPSCINT6-21-000001 through 10NC-FPSCINT6-21-000003	Document in its entirety	<p>§366.093(3)(e), Fla. Stat. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p> <p>§366.093(3)(d), Fla. Stat. The document in question contains confidential contractual information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p>

State of Florida



Public Service Commission

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Blaise Huhta
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Re: Acknowledgement of Confidential Filing in Docket No. 100009-EI

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on July 12, 2010, in the above-referenced docket.

Document Number 05708-10 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.