

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for determination of need for
Levy Units 1 and 2 nuclear power plants, by
Progress Energy Florida, Inc. | DOCKET NO. 080148-EI
| ORDER NO. PSC-08-0396-CFO-EI
| ISSUED: June 16, 2008

ORDER GRANTING PROGRESS ENERGY FLORIDA, INC.'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 01806-08)

Pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Progress Energy Florida, Inc. (PEF) requests confidential classification for portions of the pre-filed direct testimony of PEF witness Daniel L. Roderick and Exhibit DLR-6 (Document No. 01806-08) filed in this docket on March 11, 2008.

Section 366.093(1), F.S., 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. Section 366.093(3), F.S., defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Section 366.093(3)(d) and (e), F.S., provides that proprietary confidential business information includes, but is not limited to 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, and information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

PEF contends that portions of the pre-filed direct testimony of PEF witness Daniel L. Roderick and Exhibit DLR-6 fall within these categories, and thus constitute proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. PEF states that this information is intended to be and is treated by PEF as private and has not been publicly disclosed.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Information for Which Confidential Classification is Sought

PEF requests that the following information be granted confidential classification:

Description	Page & Line Nos.	Florida Statute	Affiant
Direct Testimony of Daniel L. Roderick	Page 11, Line 20, 2 nd and 10 th words; Line 22, 2 nd and 4 th words.	§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms. §366.093(3)(e), F.S. 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.	Daniel L. Roderick
Direct Testimony of Daniel L. Roderick	Page 12, Line 7, 7 th word.		Daniel L. Roderick
Direct Testimony of Daniel L. Roderick	Exhibit DLR-6 in its entirety		Daniel L. Roderick

PEF contends that portions of the pre-filed direct testimony of Daniel L. Roderick contain information about the land acquisition cost for the Levy Nuclear sites, which were purchased subject to a confidentiality provision in the purchase contract. PEF asserts that public disclosure of the information referenced above would violate the confidentiality agreement between PEF and its land sellers. PEF further contends that disclosure of this information would impair PEF's ability to contract for real estate on competitive and favorable terms.

PEF also contends that Exhibit DLR-6 contains sensitive business information regarding PEF's planned construction schedule for Levy Units 1 and 2. PEF asserts that public disclosure of the information in question would allow other parties to discover when PEF plans to purchase and install various pieces of equipment for the Levy Units and would thus impair its ability to contract for such services on competitive and favorable terms. PEF states that it negotiates and contracts for certain pieces of equipment well in advance of the actual installation of the equipment. If potential vendors and utilities or other potential purchasers competing for the equipment orders knew when PEF must purchase such equipment, PEF's ability to negotiate for

and timely obtain such equipment will likely be impaired. PEF further contends that it has kept confidential and has not publicly disclosed the proprietary schedule terms and provisions for which it currently requests confidential treatment.

Ruling

Upon review, it appears that the above-referenced portions of the pre-filed direct testimony of Daniel L. Roderick and Exhibit DLR-6 satisfy the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information and thus, shall be treated as confidential. The documents include information concerning the land acquisition cost and the schedule for nuclear construction, the disclosure of which would impair the efforts of PEF or its affiliates to contract for goods or services on favorable terms, or information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Thus, this information shall be granted confidential classification.

Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless PEF or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

Based on the foregoing, it is

ORDERED by Commissioner Katrina J. McMurrian, as Prehearing Officer, that Progress Energy Florida, Inc.'s Request for Confidential Classification of Document No. 01806-08 is granted. It is further

ORDERED that the information in Document No. 01806-08 for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Katrina J. McMurrin, as Prehearing Officer, this 16th day of June, 2008.


KATRINA J. McMURRIAN
Commissioner and Prehearing Officer

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.