

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Progress Energy Florida, Inc.'s)
 petition for approval of storm cost) Docket No.: 041272
 recovery clause for extraordinary)
 expenditures related to Hurricanes)
 Charley, Frances, Jeanne, and Ivan.) Submitted for Filing: February 21, 2005
 _____)

PROGRESS ENERGY FLORIDA'S FOURTH REQUEST FOR CONFIDENTIAL CLASSIFICATION

Progress Energy Florida ("PEF" or the "Company"), pursuant Section 366.093, Fla. Stats., and Rule 25-22.006, F.A.C., requests confidential classification of the redacted portions of the Direct Testimony of Sheree L. Brown on behalf of The Florida Industrial Power Users Group. Specifically, portions of the testimony in question contain confidential information that should not be disclosed to the public. In support of this request, PEF states as follows:

The Confidentiality of the Information at Issue

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. Stats. 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 ratepayers or the Company's business operation, and (iv) the information has not been voluntarily disclosed to the public. § 366.093(3), Fla. Stats. Specifically, subsection 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 portions of the testimony of Sheree L. Brown should be afforded confidential treatment for the reasons set forth in the Affidavit of Javier Portuondo filed in support of PEF’s Fourth Request for Confidential Classification and for the following reasons. Portions of this testimony contain proprietary confidential business information that is intended to be and is treated as private confidential information that has not been voluntarily disclosed to the public. See Affidavit of Javier Portuondo at 6. Specifically, the testimony in question contains confidential information as follows:

1. Page 13 of Ms. Brown’s testimony, lines 6-12, contains the substance of e-mail exchanges between PEF and its outside accountants. This information is confidential and should not be publicly disclosed because such disclosure would have a chilling effect on communications between PEF and its accountants and would impair PEF’s competitive business interest by obstructing PEF’s ability to have open communications with its accountants regarding PEF’s business. See Affidavit of Javier Portuondo at 5.

2. Page 15 of Ms. Brown’s testimony, Lines 4-18, contains information regarding PEF’s projected budgets and budget variances. This information is proprietary confidential business information that would impair PEF’s competitive business interests if it were disclosed to the public, to PEF’s suppliers, or to PEF’s competitors. Specifically, if PEF’s suppliers or competitors were made aware of PEF’s estimated budgets or budget variances, they may adjust their behavior in the market place with respect to activity such as pricing and the acquisition and provision of goods, materials, and services. See Affidavit of Javier Portuondo at 5

Conclusion

The competitive, confidential information at issue in this request fits the statutory definition of proprietary confidential business information under Section 366.093 and Rule 25-22.006, F.A.C. Separate sealed envelopes containing one copy of the confidential testimony for which PEF intends to request confidential classification with the appropriate section, pages, or lines containing the confidential information highlighted is enclosed herewith as Attachment "A." **This information should be accorded confidential treatment pending a decision on PEF's request by the Florida Public Service Commission.**

Additionally, two copies of the confidential testimony with the information that PEF intends to request confidential classification redacted by section page, or lines, are also included herewith as Attachment "B."

Attachment "C" hereto contains a justification matrix supporting PEF's request for confidential classification of the highlighted information contained in Attachment A.

WHEREFORE, PEF respectfully requests that portions of the Direct Testimony of Sheree L. Brown on behalf of The Florida Industrial Power Users Group described in Attachment C be classified as confidential for the reasons set forth above.

Respectfully submitted this 25th day of February, 2004.

R. ALEXANDER GLENN
Deputy General Counsel – Florida
PROGRESS ENERGY SERVICE
COMPANY, LLC
100 Central Avenue, Ste. 1D
St. Petersburg, FL 33701
Telephone: (727) 820-5587
Facsimile: (727) 820-5519



GARY L. SASSO
Florida Bar No. 622575
JAMES MICHAEL WALLS
Florida Bar No. 0706272
JOHN T. BURNETT
Florida Bar No. 173304
CARLTON FIELDS, P.A.
Post Office Box 3239
Tampa, FL 33601-3239
Telephone: (813) 223-7000
Facsimile: (813) 229-4133

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to the following individuals as indicated in the service list on this 20th day of February, 2005.

Via electronic and U.S. Mail (without Exhibits)

Jennifer Brubaker, Esquire
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Via electronic and U.S. Mail (without Exhibits)

Vicki Gordon Kaufman, Esquire
McWhirter Reeves McGlothlin Davidson
Kaufman & Arnold, P.A.
117 South Gadsden Street
Tallahassee, FL 32301

Via Electronic and U.S. Mail (without Exhibits)

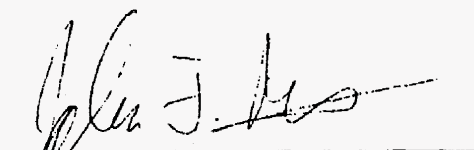
John W. McWhirter, Esquire
McWhirter Reeves McGlothlin Davidson
Kaufman & Arnold, P.A.
400 North Tampa St.
Tampa, FL 33602

Via Electronic and U.S. Mail (without Exhibits)

Patricia A. Christensen, Esquire
Office of the Public Counsel
c/o The Florida Legislature
111 West Madison St., Room 812
Tallahassee, FL 32399-1400

Via electronic and U.S. Mail (without Exhibits)

Michael B. Twomey
Post Office Box 5256
Tallahassee, FL 32314-5256
Attorneys for Buddy L. Hansen and
Sugarmill Woods Civic
Association, Inc.



Attorney