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November 4, 2005

BY HAND DELIVERY

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

Re: Docket No. 050001-EI
Request for Confidential Classification and Motion for Protective Order
CONFIDENTIAL MATERIALS ENCLOSED

Dear Ms. Bayó:

Enclosed for filing on behalf of Progress Energy Florida, Inc., (PEF) are the following:

(1) The original and seven copies of PEF's Request for Confidential Classification and Motion for Protective Order, including Exhibit A, which identifies by page and line the information for which PEF seeks confidential treatment. (A diskette containing the Request in Word format is also included);

(2) A package containing Exhibit B, which includes two redacted copies of the confidential documents; and

(3) A CONFIDENTIAL package containing Exhibit C which includes one copy of the documents on which the confidential material has been highlighted.

Please stamp and return the enclosed extra copy of this filing. If you have any question regarding this filing, please contact the undersigned.

Very truly yours,


Virginia C. Dailey

VCD/dg
Enclosures
cc: certificate of service

DOCUMENT NUMBER-DATE

10731 NOV-4 05

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, on behalf of Progress Energy Florida, that PEF's Request for Confidential Classification and Motion for Protective Order in Docket No. 050001-EI has been furnished by hand-delivery (*) or by regular U.S. mail to the following this 4th day of November, 2005.

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BEFORE THE PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery
clause with generating performance incentive
factor.

Docket No. 050001-EI

Dated: November 4, 2005

**PROGRESS ENERGY FLORIDA'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
AND MOTION FOR PROTECTIVE ORDER**

PROGRESS ENERGY FLORIDA, INC. ("PEF" or the "Company"), pursuant to Section 366.093, Florida Statutes ("F.S."), and Commission Rule 25-22.006, Florida Administrative Code ("F.A.C."), hereby requests confidential classification and a protective order to prevent disclosure of certain highlighted confidential information contained in the transcript of the deposition of Donna M. Davis taken by the Office of Public Counsel ("OPC") on October 25, 2005. This request is also intended to serve as a request for a protective order, within the contemplation of Rule 25-22.006(6)(b), F.A.C., such that it will protect the Confidential Information from public disclosure while in the possession of the Office of Public Counsel. In support of its request, Progress Energy states as follows.

1. A list of the confidential information in question appears in Exhibit A (referred to as "Confidential Information"). Exhibit A includes a justification for designating the Confidential Information proprietary confidential business information under the above-referenced statute and rule. A single yellow highlighted copy of the Confidential Information is contained in the sealed envelope enclosed herewith, and labeled Exhibit B. A public version of the deposition transcript, with the Confidential Information redacted, is attached hereto and labeled Exhibit C.

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2. The deposition of Ms. Davis taken by OPC concerns coal purchases made in 2004 and 2005. The highlighted portions of the deposition contain information from PEF's confidential 423 Form Fuel Reports regarding the prices paid by Progress for coal and/or coal transportation information. PEF is willing to provide the requested information to OPC, so long as the Confidential Information is protected from the harm that would result from public disclosure.

2. The Confidential Information consists of pricing information for coal purchases by PEF's affiliate, Progress Fuels Corporation (PFC). Disclosure of this information would provide coal suppliers with knowledge of prices that PFC has paid and prices other suppliers have offered. This knowledge would give suppliers significant competitive advantage in future negotiations because they would no longer need to make their best offers to ensure the competitiveness of their rates. Instead, suppliers could simply offer the highest rates that would allow them to maintain a marginally competitive position. As such, disclosure of this information would impair the efforts of the Company or its affiliates to contract for goods or services on favorable terms. *See* § 366.093(3)(d), F.S. Furthermore, the information relates to the competitive interests of Progress Energy and its affiliates, 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.

3. The Confidential Information is derived from PEF's confidential 423 Forms. Disclosure of these Forms and the related information regarding sensitive pricing and contractual terms for the purchase of coal and transportation services would impair PEF's efforts to contract

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for goods or services on favorable terms. § 366.093(3)(d), F.S. Further, PEF's confidential 423 Forms are already subject to protection under Commission orders granting confidential classification to the Forms. *See, e.g.*, Order Nos. PSC-05-0418-CFO-EI (Apr. 19, 2005) (granting confidential classification to confidential pricing information in PEF's Form 423 Fuel Reports for January 2005); PSC-05-0446-CFO-EI (Apr. 26, 2005) (granting confidential classification to confidential pricing information in PEF's Form 423 Fuel Reports for February 2005).

4. The Confidential Information for which PEF seeks protection by this motion for protective order is intended to be and is treated by the Company as private and has not been publicly disclosed.

WHEREFORE, Progress Energy Florida respectfully requests that the highlighted Confidential Information be accorded confidential classification for the reasons set forth above and requests a protective order to protect the Confidential Information from public disclosure while in the possession of the Office of Public Counsel.

RESPECTFULLY SUBMITTED this 4th day of November, 2005.

HOPPING GREEN & SAMS, P.A.

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PROGRESS ENERGY FLORIDA'S
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EXHIBIT A

**PROGRESS ENERGY FLORIDA
JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF INFORMATION
TRANSCRIPT OF DEPOSITION OF DONNA M. DAVIS (OCTOBER 25, 2005)**

Document	Page	Line	Description of Information	Statutory Justification
Deposition	28	25	contains information regarding the prices paid by Progress for coal under a particular contract	§ 366.093(3)(d), (e), F.S.
	29	7-8	contains information regarding the price paid by Progress for coal under a particular contract	