



**Progress Energy**

**ORIGINAL**

Writer's Direct Dial No. 727-820-5184

JOHN T. BURNETT  
Associate General Counsel - Florida

**BY HAND DELIVERY**

January 20, 2006

RECEIVED-FPSC  
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COMMISSION  
CLERK

Blanca S. Bayó  
Director, Division of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Re: Progress Energy Florida's Request for Confidential Classification;  
Docket No. 060001-EI

Dear Ms. Bayó:

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

(1) PEF's Request for Confidential Classification in reference to Staff's Ninth Set of Interrogatories (Nos. 97-106) 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 Composite Exhibit B, which includes two redacted copies of the confidential documents;

(3) A SEALED CONFIDENTIAL package containing Composite Exhibit C which includes one copy of the document on which the confidential material has been highlighted; and

(4) Affidavit of Pamela R. Murphy in support of PEF's Request for Confidential Classification.

CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR 1  
GCL 1  
OPC \_\_\_\_\_  
RCA \_\_\_\_\_  
SCR \_\_\_\_\_  
SGA \_\_\_\_\_  
SEC 1  
OTH 1

Progress Energy Florida, Inc.  
106 E. College Avenue  
Suite 800  
Tallahassee, FL 32301

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

00567 JAN 20 06

FPSC-COMMISSION CLERK

By copy of this letter, I am providing a copy of the Request for Confidential Classification with redacted attachments to all parties in this docket.

Please acknowledge your receipt and filing of the above on the enclosed copy of this letter and return same to me.

Sincerely,

*John T. Burnett* LMS

John T. Burnett

JTB:at

Enclosures

cc: certificate of service

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

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Docket No. 060001-EI

Dated: January 20, 2006

**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 (F.A.C.), submits this Request for Confidential Classification for certain information provided in response to Staff's Ninth Set of Interrogatories (Nos. 97-106) propounded on PEF. In support of this Request, PEF states:

1. In response to Staff's Ninth Set of Interrogatories, PEF will provide responses containing information that is "proprietary business information" under Section 366.093(3), Florida Statutes.

2. The following exhibits are included with this request:

(a) Exhibit A is a table which identifies by page and line the information for which PEF seeks confidential classification and the specific statutory bases for seeking confidential treatment.

(b) Composite Exhibit B is a package containing two copies of redacted versions of the documents for which the Company requests confidential classification. The specific information for which confidential treatment is requested has been blocked out by opaque marker or other means.

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(c) Sealed composite Exhibit C is a package containing unredacted copies of all the documents for which PEF seeks confidential treatment. Composite Exhibit C is being submitted separately in a sealed envelope labeled “CONFIDENTIAL.” In the unredacted versions, the information asserted to be confidential is highlighted by yellow marker.

3. As indicated in Exhibit A, the information for which Progress Energy requests confidential classification is “proprietary confidential business information” within the meaning of Section 366.093(3), F.S. Specifically, the information at issue relates to competitively negotiated contractual data, such as pricing and quantities of fuels, and other contractual terms, the disclosure of which would impair the efforts of the Company or its affiliates to negotiate fuel supply contracts on favorable terms. *See* § 366.093(3)(d), F.S.; Affidavit of Pamela Murphy at ¶ 5. Furthermore, the information at issue relates to the competitive interests of PEF and its fuel suppliers, the disclosure of which would impair their competitive businesses. *Id.* § 366.093(3)(e); Affidavit of Pamela Murphy at ¶ 6. 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.

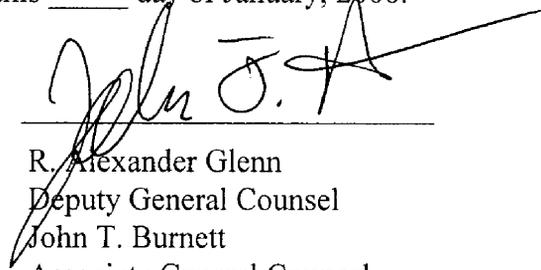
4. The information identified as Exhibit “A” is intended to be and is treated as confidential by the Company; affidavit of Pamela Murphy at paragraph seven. The information has not been disclosed to the public, and the company has treated and continues to treat the information and contracts at issue as confidential. *See* affidavit of Pamela Murphy at ¶ 7.

5. Progress Energy requests that the information identified in Exhibit A 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 respectfully requests that this Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 20<sup>th</sup> day of January, 2006.



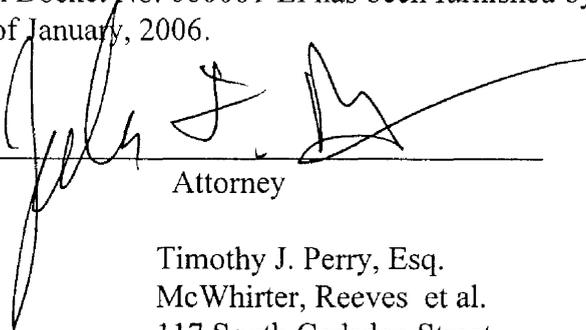
A handwritten signature in black ink, appearing to read "John T. Burnett", is written over a horizontal line. The signature is stylized and includes a large flourish extending to the right.

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John T. Burnett  
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Attorneys for  
PROGRESS ENERGY FLORIDA, INC.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of Progress Energy Florida, Inc.'s request for Confidential Classification in Docket No. 060001-EI has been furnished by regular U.S. mail to the following this 20<sup>th</sup> day of January, 2006.



\_\_\_\_\_  
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**EXHIBIT A**

**PROGRESS ENERGY FLORIDA  
Confidentiality Justification**

<b>DOCUMENT/RESPONSES</b>	<b>PAGE/LINE</b>	<b>JUSTIFICATION</b>
PEF's Response to Staff's Ninth Set of Interrogatories, Question No. 99	Lines 2 through 4: Contract term, minimum volume, and maximum volume for contract with Rio Energy International, Inc. for the year 2006	<p>§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.</p> <p>§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.</p>
PEF's Response to Staff's Ninth Set of Interrogatories, Question No. 100	Contract term, minimum volume, and maximum volume for each contract for the year 2006	<p>§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.</p> <p>§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.</p>

<b>DOCUMENT/RESPONSES</b>	<b>PAGE/LINE</b>	<b>JUSTIFICATION</b>
<p>PEF's Response to Staff's Ninth set of Interrogatories, Question No. 101</p>	<p>All columns in the 3-page table titled "PEF Natural Gas Commodity Contracts in Effect for 2006."</p>	<p>§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.</p> <p>§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.</p>