

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

RECEIVED-PPSC  
06 MAR -3 PM 1:59

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

Docket No. 060001-EI

COMMISSION  
CLERK

Dated: March 3, 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 First Request for Production of Documents (No. 1) propounded on PEF. In support of this Request, PEF states:

1. In response to Staff's First Request for Production of Documents, 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) Sealed Composite Exhibit A is a package containing unredacted copies of all

DMP \_\_\_\_\_

COM \_\_\_\_\_ the documents for which PEF seeks confidential treatment. Composite Exhibit A is being submitted

CTR \_\_\_\_\_ separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted versions, the

ECR 1

GCL 1 information asserted to be confidential is highlighted by yellow marker.

(b) Composite Exhibit B is a package containing two copies of redacted versions

RCA \_\_\_\_\_ of the documents for which the Company requests confidential classification. The specific

SCR \_\_\_\_\_

SGA \_\_\_\_\_

SEC 1

OTH 1 conf records

RECEIVED & FILED

*Oh*

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DA

01881 MAR -3 4

FPSC-COMMISSION CLERK

information for which confidential treatment is requested has been blocked out by opaque marker or other means.

(c) Exhibit C 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.

3. As indicated in Exhibit C, 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. Additionally, some of the documents responsive to Staff’s request for production have specific contractual confidentiality provisions that require the parties to those documents to keep their terms confidential. Affidavit of Pamela Murphy at ¶ 5. 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.

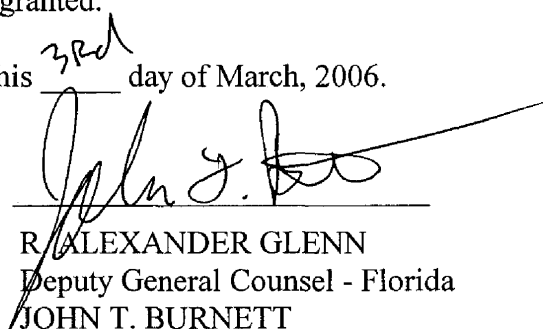
4. The information identified as Exhibit “A” is intended to be and is treated as

confidential by the Company. Affidavit of Pamela Murphy at ¶ 7. 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 3<sup>rd</sup> day of March, 2006.



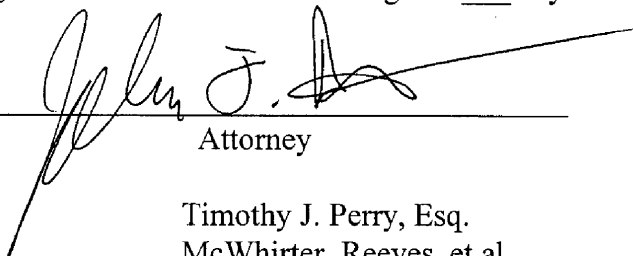
A handwritten signature in black ink, appearing to read "John T. Burnett", is written over a horizontal line. The signature is cursive and extends to the right of the line.

~~R~~ALEXANDER GLENN  
~~D~~eputy General Counsel - Florida  
JOHN T. BURNETT  
Associate General Counsel - Florida  
Progress Energy Service Company, LLC  
Post Office Box 14042  
St. Petersburg, Florida 33733-4042  
Telephone: 727-820-5184  
Facsimile: 727-820-5249  
Email: [john.burnett@pgnmail.com](mailto:john.burnett@pgnmail.com)

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, without confidential attachments, has been furnished by regular U.S. mail to the following this 3<sup>rd</sup> day of March, 2006.



---

Attorney

Jennifer Rodan, Esq.  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Timothy J. Perry, Esq.  
McWhirter, Reeves et al.  
117 South Gadsden Street  
Tallahassee, FL 32301

Lee L. Willis, Esq.  
James D. Beasley, Esq.  
Ausley & McMullen  
P.O. Box 391  
Tallahassee, FL 32302

Karen S. White, Lt. Col., USAF  
Damund E. Williams, Capt., USAF  
AFLSA/JACL-ULT  
139 Barnes Drive, Suite 1  
Tyndall AFB, FL 32403-5319

Joseph A. McGlothlin, Esq.  
Office of Public Counsel  
111 W. Madison Street, Room 812  
Tallahassee, FL 32399

Ms. Angela Llewellyn  
Administrator, Regulatory Coordination  
Tampa Electric Company  
P.O. Box 111  
Tampa, FL 33601-0111

Norman Horton, Jr.  
Messer, Caparello & Self, P.A.  
P.O. Box 1876  
Tallahassee, FL 32302-1876

Jeffrey A. Stone, Esq.  
Russell A. Badders, Esq.  
Beggs and Lane  
P.O. Box 12950  
Pensacola, FL 32576

Florida Industrial Power Users Group  
c/o John W. McWhirter, Jr.  
McWhirter Reeves  
400 North Tampa Street, Suite 2450  
Tampa, FL 33602

Ms. Cheryl Martin  
Florida Public Utilities Company  
P.O. Box 3395  
West Palm Beach, FL 33402-3395

Robert Scheffel Wright/John LaVia, III  
Young van Assenderp, P.A.  
225 S. Adams Street, Suite 200  
Tallahassee, Florida 32301

Florida Power & Light Co.  
R. Wade Litchfield, Esq.  
700 Universe Blvd.  
Juno Beach, FL 33408-0420

John T. Butler, Esq.  
Squire, Sanders and Dempsey  
200 S. Biscayne Bay Blvd., Suite 4000  
Miami, FL 33131-2398

Gulf Power Company  
Susan D. Ritenour  
One Energy Place  
Pensacola, FL 32520-0780

Florida Power & Light Co.  
Bill Walker  
215 S. Monroe Street, Suite 810  
Tallahassee, FL 32301

Michael B. Twomey  
P.O. Box 5256  
Tallahassee, FL 32314-5256