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

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Associate General Counsel - Florida

BY HAND DELIVERY

March 31, 2006

RECEIVED-PPSC
MAR 31 AM 10:52
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

CMP _____ Dear Ms. Bayó:

COM _____

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

ECR 1 (1) PEF's Request for Confidential Classification in reference to OPC's First
GCL 1 Request for Production of Documents (Nos. 1-14) including Exhibit C, which identifies by page
and line the information for which PEF seeks confidential treatment. (A diskette containing the
OPC _____ Request in Word format is also included);

RCA _____
SCR _____ (2) A package containing Composite Exhibit B, which includes two redacted
copies of the confidential documents;

SGA _____
SEC 1 (3) A SEALED CONFIDENTIAL package containing Composite Exhibit A
which includes one copy of the document on which the confidential material has been
OTH/conf records highlighted; and

(4) Affidavit of Alexander Weintraub in support of PEF's Request for
Confidential Classification.

Progress Energy Service Company, LLC
P.O. Box 14042
St. Petersburg, FL 33733

RECEIVED & FILED

PPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

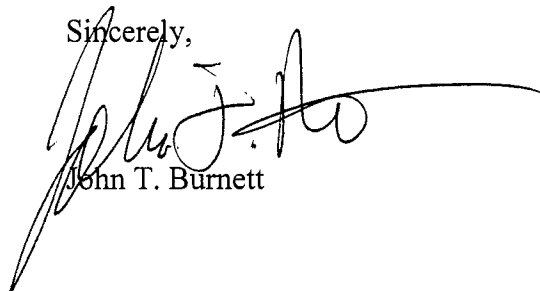
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PPSC-COMMISSION CLERK

By copy of this letter, I am providing a copy of the Request for Confidential Classification without 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,

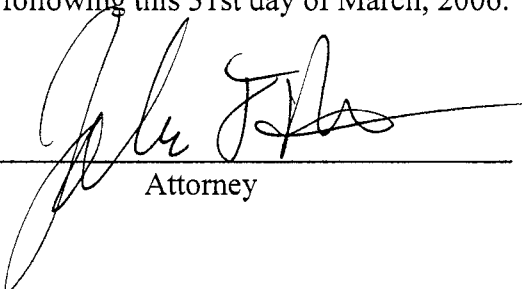
A handwritten signature in black ink, appearing to read "John T. Burnett", with a long horizontal flourish extending to the right.

John T. Burnett

JTB:at
Enclosures
cc: certificate of service

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Progress Energy Florida, Inc.'s Request for Confidential Classification, with redacted attachments, in Docket No. 060001-EI has been furnished by regular U.S. mail to the following this 31st day of March, 2006.



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ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 060001-EI

Dated: March 31, 2006

**PROGRESS ENERGY FLORIDA INC.'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Progress Energy Florida, Inc., ("PEF" or "Company"), pursuant to Section 366.093, Fla. Stats., and Rule 25-22.006, Florida Administrative Code (F.A.C.), submits this Request for Confidential Classification for certain information provided in response to OPC's First Request for Production (Nos. 1-14) propounded on PEF. On March 16, 2006, PEF filed its Notice of Intent to Request Confidential Classification with respect to this information. PEF therefore files this Request for Confidential Classification within the twenty-one day period set out in Rule 25-22.006, F.A.C.

Specifically, portions of the documents responsive to OPC's Request Nos. 1, 2, 6, 7, 8, 12, & 14 contain confidential contractual pricing arrangements between PEF and third parties that would adversely impact PEF's competitive business interests if disclosed to the public. Accordingly, PEF hereby submits the following:

Basis for Confidential Classification

Subsection 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

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FPSC-COMMISSION CLERK

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, "information relating to competitive interests" is defined as proprietary confidential business information if the disclosure of such information "would impair the competitive business of the provider of the information." §366.093(3)(e), Fla. Stats. Section 366.093(3)(d) further defines proprietary confidential business information as "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." §366.093(3)(d), Fla. Stats.

The aforementioned discovery sought by OPC should be afforded confidential treatment because portions of the responses contain proprietary confidential business information relating to PEF's contractual arrangements. Public disclosure of the information in question would compromise PEF's efforts to contract for goods and services on favorable terms.

Portions of Responses to OPC's First Request for Production of Documents

Portions of PEF's responses to OPC's First Request for Production of Documents should be afforded confidential treatment for the reasons set forth in the Affidavit of Alexander Weintraub filed in support of PEF's Request for Confidential Classification and for the following reasons. Portions of responses to questions 1, 2, 6, 7, 8, 12, & 14 contain contractual pricing arrangements between PEF and third parties (coal suppliers) that would adversely impact PEF's competitive business interests if disclosed to the public. See Affidavit of Alexander Weintraub at ¶ 5.

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), Fla. Stats. Specifically, the information at issue relates to competitively negotiated contractual data, such as pricing of coals, and other contractual terms, the disclosure of which would impair the efforts of the Company or its affiliates to negotiate coal supply contracts on favorable terms. *See* § 366.093(3)(d), Fla. Stats.; Affidavit of Alexander Weintraub at ¶ 5. If other third parties were made aware of confidential contractual terms that PEF has with other parties, they may offer PEF less competitive contractual terms in future contractual negotiations . See Affidavit of Alexander Weintraub at ¶ 6.

Strict procedures are established and followed to maintain the confidentiality of the terms of the confidential documents and information at issue, including restricting access to those persons who need the information and documents to assist the Company. See Affidavit of Alexander Weintraub at ¶ 7. At no time has the Company publicly disclosed the confidential information or documents at issue. Id. The Company has treated and continues to treat the information and documents at issue as confidential. Id.

Conclusion

Certain portions of the PEF’s response to the First Request for Production sought by OPC fit the statutory definition of proprietary confidential business information under Section 366.093 Fla. Stats. and Rule 25-22.006, F.A.C., and that information should be afforded confidential classification. In support of this motion, PEF has enclosed the following:

(1). A separate sealed envelope labeled “Exhibit A” is a package containing unredacted copies of all the documents for which PEF seeks confidential treatment. Exhibit A is being

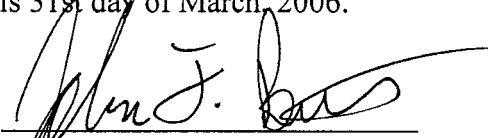
submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted versions, the information asserted to be confidential is highlighted by yellow marker.

(2). 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.

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

WHEREFORE, PEF respectfully requests that the information described specifically in Exhibit C, 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..

RESPECTFULLY SUBMITTED this 31st day of March, 2006.

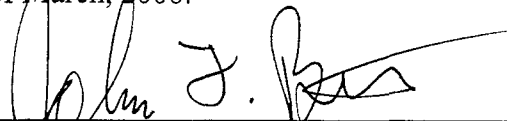


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CERTIFICATE OF SERVICE

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