

ORIGINAL

RECEIVED-FPSC

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION APR 26 PH 2:05

COMMISSION  
CLERK

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

Docket No. 060001-EI

Dated: April 26, 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 Second Request for Production of Documents (Nos. 2-5) propounded on PEF. In support of this Request, PEF states:

1. In response to Staff's Second 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:

DMP \_\_\_\_\_  
DOM \_\_\_\_\_  
DTR \_\_\_\_\_  
DOR 1  
DCL 1  
DPC \_\_\_\_\_  
DCA \_\_\_\_\_  
DCR \_\_\_\_\_  
DGA \_\_\_\_\_  
DEC 1  
DTH 1  
*1 copy records*

(a) Sealed Composite Exhibit A is a package containing unredacted copies of all

the documents for which PEF seeks confidential treatment. Composite 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.

(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

DOCUMENT NUMBER-DATE

03700 APR 26 06

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.; Affidavits of Alexander Weintraub, Edward McCluskey and Michael Carl 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); Affidavits of Alexander Weintraub, Edward McCluskey and Michael Carl 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.

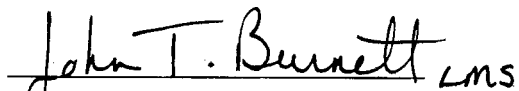
4. The information identified as Exhibit “A” is intended to be and is treated as confidential by the Company. The information has not been disclosed to the public, and the company has treated and continues to treat the information and contracts at issue as confidential. See Affidavits of Alexander Weintraub, Edward McCluskey and Michael Carl at ¶ 7.

5. Progress Energy Florida 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 Florida respectfully requests that this Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 26<sup>th</sup> day of April, 2006.

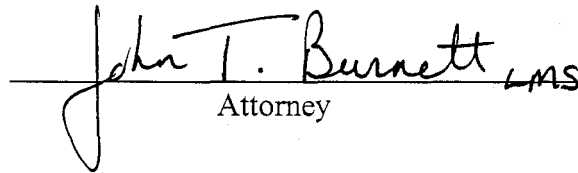
 *John T. Burnett* *ems*

R. ALEXANDER GLENN  
Deputy 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 has been furnished by regular U.S. mail to the following this 26<sup>th</sup> day of April, 2006.

  
Attorney

<p>Cochran Keating, Esq. Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850</p> <p>James D. Beasley, Esq. Lee L. Willis, Esq. Ausley &amp; McMullen Law Firm P.O. Box 391 Tallahassee, FL 32302</p> <p>Joseph A. McGlothlin, Esq. Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, #812 Tallahassee, FL 32399</p> <p>Jeffrey A. Stone, Esq. Russell A. Badders, Esq. Steven R. Griffin Beggs &amp; Lane Law Firm P.O. Box 12950 Pensacola, FL 32591</p> <p>Timothy J. Perry, Esq. McWhirter Reeves Law Firm 117. S. Gadsden Street Tallahassee, FL 32301</p> <p>Ms. Brenda Irizarry Tampa Electric Company P.O. Box 111 Tampa, FL 33601</p>	<p>Florida Industrial Power Users Group c/o John McWhirter, Jr. McWhirter Reeves Law Firm 400 N. Tampa Street, Ste. 2450 Tampa, FL 33602</p> <p>Norman H. Horton, Jr. Messer, Caparello &amp; Self, P.A. P.O. Box 1876 Tallahassee, FL 32302-1876</p> <p>John T. Butler, Esq. Florida Power &amp; Light Co. 9250 W. Flagler Street Miami, FL 33102</p> <p>Robert Scheffel Wright John T. LaVia, III Young van Assenderp, P.A. 225 S. Adams Street, Suite 200 Tallahassee, FL 32301</p> <p>AARP c/o Mike Twomey P.O. Box 5256 Tallahassee, FL 32314-5256</p> <p>Karen S. White, Lt. Col., USAF Damund E. Williams, Capt., USAF AFLSA/JACL-ULT 139 Barnes Drive, Suit 1 Tyndall Air Force Base, FL 32403-5319</p>
---	---

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

Mr. Bill Walker  
Florida Power & Light  
215 S. Monroe Street, Ste. 810  
Tallahassee, FL 32301-1859

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

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

# **Exhibit A**

**“CONFIDENTIAL”**