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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 060001-EI

Dated: August 21, 2006

COMMISSION CLERK

**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 OPC's Seventh Set of Interrogatories (Nos. 44-48) propounded on PEF. In support of this Request, PEF states:

1. In response to OPC's Seventh 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) Sealed Composite Exhibit A is a package containing unredacted copies of all

CMP \_\_\_\_\_ the documents for which PEF seeks confidential treatment. Composite Exhibit A is being submitted  
COM \_\_\_\_\_  
CTR \_\_\_\_\_ separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted versions, the  
ECR 1 information asserted to be confidential is highlighted by yellow marker.

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

OPC \_\_\_\_\_  
RCA \_\_\_\_\_ of the documents for which the Company requests confidential classification. The specific  
SCR \_\_\_\_\_  
SGA \_\_\_\_\_  
SEC 1  
OTH 1 conf records

DOCUMENT NUMBER-DATE

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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 PEF 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 coal, 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), F.S.; Affidavit of Alexander Weintraub at ¶ 5. Furthermore, the information at issue relates to the competitive interests of PEF and its coal suppliers, the disclosure of which would impair their competitive businesses. *Id.* § 366.093(3)(e); Affidavit of Alexander Weintraub 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. *See* Affidavit of Alexander Weintraub at ¶ 6. 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 Alexander Weintraub at ¶ 6.

5. PEF 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, PEF respectfully requests that this Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 24<sup>th</sup> day of August, 2006.




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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of Progress Energy Florida, Inc.'s Request for Confidential Classification relating to responses to OPC's Seventh Set of Interrogatories in Docket No. 060001-EI has been furnished by regular U.S. mail to the following this 24<sup>th</sup> day of August, 2006.

  
\_\_\_\_\_  
Attorney

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