

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Progress Energy Florida, Inc.
to recover costs of Crystal River Unit 3
uprate through fuel clause

Docket No. 070052-EI

Submitted for Filing: June 20, 2007

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**PROGRESS ENERGY FLORIDA'S SECOND REQUEST
FOR CONFIDENTIAL CLASSIFICATION**

Progress Energy Florida ("PEF" or the "Company"), pursuant to Section 366.093, Fla. Stats., and Rule 25-22.006, F.A.C., requests confidential classification of portions of the documents responsive to FIPUG'S First Request for Production of Documents (Nos. 1-6), specifically portions of documents responsive to POD Request Number 2, which contain confidential information related to PEF's competitive business interests, the disclosure of which would impair PEF's competitive business. The unredacted documents discussed above are being filed under seal with the Commission on a confidential basis to keep the competitive business information in those documents confidential.

The Confidentiality of the Documents at Issue

Section 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 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

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operation, and (iv) the information has not been voluntarily disclosed to the public. § 366.093(3), Fla. Stats. Specifically, “information... the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms” is defined as proprietary confidential business information. § 366.093(3)(d), Fla. Stats. Additionally, subsection 366.093(3)(e) defines “information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information,” as proprietary confidential business information.

Portions of the documents responsive to FIPUG's First Request for Production of Documents (Nos. 1-6), specifically portions of documents responsive to Request Number 2, should be afforded confidential treatment for the reasons set forth in the Affidavit of Daniel L. Roderick filed in support of PEF's Second Request for Confidential Classification and for the following reasons. FIPUG's Request Number 2 calls for documents that contain information regarding PEF's confidential and proprietary internal strategies and analysis studies of PEF's programs and contracts. PEF is requesting confidential classification of its responses because public disclosure of the documents and information in question would impair PEF's competitive business (Affidavit of Daniel L. Roderick at ¶ 6). Specifically, if PEF's suppliers or competitors were made aware of PEF's internal strategies and analysis studies, they may adjust their behavior in the market place with respect to activity such as pricing and the acquisition and provision of goods, materials, and services. (Id.)

Upon receipt of this confidential information, strict procedures are established and followed to maintain the confidentiality of the information provided, including restricting

access to those persons who need the information to assist the Company, and restricting the number of, and access to the information. (Affidavit of Daniel L. Roderick at ¶ 7). At no time since receiving the information in question has the Company publicly disclosed that information. Id. The Company has treated and continues to treat the information at issue as confidential. Id.

Conclusion

The competitive, confidential information at issue in this request fits the statutory definition of proprietary confidential business information under Section 366.093 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 containing one copy of the confidential Appendix A to PEF's Second Request for Confidential Classification for which PEF intends to request confidential classification with the appropriate section, pages, or lines containing the confidential information highlighted. **This information should be accorded confidential treatment pending a decision on PEF's request by the Florida Public Service Commission;** specifically, if PEF's suppliers or competitors were made aware of PEF's internal strategies and analysis studies, they may adjust their behavior in the market place with respect to activity such as pricing and the acquisition and provision of goods, materials, and services.

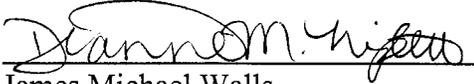
(2). Two copies of the documents with the information for which PEF intends to request confidential classification redacted by section, page, or lines where appropriate as Appendix B; and

(3). A justification matrix supporting PEF's request for confidential classification of the highlighted information contained in confidential Appendix A, as Appendix C.

WHEREFORE, PEF respectfully requests that the redacted portions of its responses to FIPUG's Second Request for Production, Nos. 1-6, be classified as confidential for the reasons set forth above.

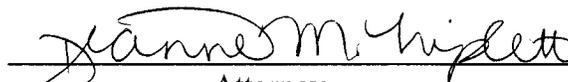
Respectfully submitted this 20th day of June, 2007.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Progress Energy Florida, Inc.'s Second Request for Confidential Classification in Docket No. 070052-EI has been furnished electronically and by regular U.S. mail to the following this 20th day of June, 2007.


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DATE: 6/20/07
TO: ~~James A. Walls~~ / Progress / Triplet ^{-Dmn}
FROM: R. Nettles, Division of the Commission Clerk &
Administrative Services
RE: **Acknowledgment of Receipt of Confidential Filing**

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No. 070052 or (if filed in an undocketed matter) concerning portions of documents responsive to POD request No. 2, and filed on behalf of Progress. The document will be maintained in locked storage.

Any questions regarding this matter should be directed to Marguerite Lockard at (850) 413-6770.

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