

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.

Testimony and Exhibits at Issue

Portions of Ms. Cross’ testimony in support of the estimated/actual costs, Ms. Cross’s testimony in support of the projected costs, Mr. Roderick’s testimony in support of estimated/actual and projected costs, and Exhibit Numbers LC-1, LC-2, LC-4, and LC-5, filed May 1, 2008, should be afforded confidential treatment for the reasons set forth in the Affidavit of Daniel L. Roderick filed in support of PEF’s Request for Confidential Classification and for the following reasons. Specifically, portions of these testimonies and exhibits contain contractual terms and details regarding ongoing contracts PEF has with various nuclear vendors. Affidavit of Daniel L. Roderick at ¶ 5. PEF must be able to assure these vendors that sensitive business information, such as the terms of their contracts, will be kept confidential. Id. Indeed, the contracts at issue contain confidentiality provisions that prohibit the disclosure of the terms of the contract to third parties. Id.

Specifically, the information at issue relates to competitively negotiated contractual data and other contractual terms, the disclosure of which would impair the efforts of the Company to negotiate these contracts on favorable terms. See § 366.093(3)(d), Fla. Stats.; Affidavit of Roderick 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. Id. Without PEF’s measures to maintain the confidentiality of sensitive terms in contracts between PEF and this nuclear contractor, the Company’s efforts to obtain competitive contracts could be undermined. Id.

Upon receipt of this confidential information, and with its own confidential information, strict procedures are established and followed to maintain the confidentiality of the documents and 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. (Id. at ¶ 6). 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. Separate sealed envelopes containing one copy of the confidential exhibits for which PEF intends to request confidential classification with the appropriate section, pages, or lines containing the confidential information highlighted is enclosed herewith as Attachment “A.” **This information should be accorded confidential treatment pending a decision on PEF’s request by the Florida Public Service Commission.**

Additionally, two copies of the confidential exhibits with the information that PEF intends to request confidential classification redacted by section page, or lines, are also included herewith as Attachment “B.”

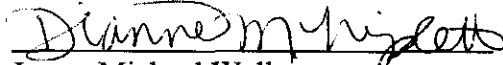
Attachment “C” hereto contains a justification matrix supporting PEF’s request for confidential classification of the highlighted information contained in Attachment A.

WHEREFORE, PEF respectfully requests that portions Ms. Cross’ testimony in support of the estimated/actual costs, Ms. Cross’s testimony in support of the projected costs, Mr. Roderick’s testimony in support of estimated/actual and projected costs, and Exhibit Numbers

LC-1, LC-2, LC-4, and LC-5, described specifically in Attachment C, be classified as confidential for the reasons set forth above.

Respectfully submitted this 22nd day of May, 2008.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail and/or U.S. Mail as indicated to the all counsel and parties of record on this 22nd day of May, 2008.


Attorney

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|---|---|
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CONFIDENTIAL

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ACKNOWLEDGEMENT

DATE: May 22, 2008

TO: Dianne Tripple, Michael Walls/Carlton Fields

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 080149 or, if filed in an undocketed matter, concerning portions of testimony and exhibits filed by Lori Cross and Daniel L. Roderick, specifically Ms. Cross', Roderick testimonies, and Exhibit Nos. LC-1, LC-2, LC-4, and LC-5, and filed on behalf of Progress Energy. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

DOCUMENT NUMBER-DATE
04258 MAY 22 08
FPSC-COMMISSION CLERK

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