

# Hopping Green & Sams

Attorneys and Counselors

Writer's Direct Dial No.  
(850) 425-2359

September 15, 2008

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**BY HAND DELIVERY**

Ann Cole  
Director Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

Re: Docket No. 080007-EI – Request for Confidential Classification

Dear Ms. Cole:

Enclosed for filing on behalf of Progress Energy Florida (PEF) are the following:

- (1) The original and seven copies of its Request for Confidential Classification, including Exhibit A, which identifies by page and line the information for which PEF seeks confidential treatment.
- (2) An envelope containing Composite Exhibit B, which includes two redacted copies of the confidential documents; and
- (3) A CONFIDENTIAL envelope containing Composite Exhibit C which includes one copy of the documents on which the confidential material has been highlighted.

Please stamp and return the enclosed extra copy of this filing. If you have any questions regarding this filing, please contact the undersigned.

Very truly yours,

*Virginia C Dailey*  
FOR Gary V. Perko

**COM** \_\_\_\_\_  
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**OPC** \_\_\_\_\_  
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**SSC** Enclosures  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of Progress Energy Florida's Request for Confidential Classification, filed in Docket No. 080007-EI, has been furnished to all counsel of record and interested parties as listed below by hand-delivery (\*) or regular U.S. mail this 15th day of September, 2008.

Martha Carter Brown (\*)  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Florida Power & Light Co.  
Mr. Wade Litchfield  
215 S. Monroe Street, Suite 810  
Tallahassee, FL 32301

Lee L. Willis, Esq.  
James D. Beasley, Esq.  
Ausley Law Firm  
P.O. Box 391  
Tallahassee, FL 32302

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

Joseph McGlothlin, Esq.  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Rm. 812  
Tallahassee, FL 32399

Tampa Electric Company  
Paula K. Brown  
Regulatory Affairs  
P.O. Box 111  
Tampa, FL 33601-0111

Jeffrey A. Stone, Esq.  
Russell A. Badders, Esq.  
Beggs & Lane Law Firm  
P.O. Box 12950  
Pensacola, FL 32591-2950

R. Alexander Glenn  
Deputy General Counsel - Florida  
Progress Energy Service Company, LLC  
P.O. Box 14042  
St. Petersburg, FL 33733

Florida Industrial Power Users Group  
John W. McWhirter, Jr.  
c/o McWhirter Law Firm  
P.O. Box 3350  
Tampa, FL 33601-3350

John T. Burnett  
Associate General Counsel - Florida  
Progress Energy Service Company, LLC  
P.O. Box 14042  
St. Petersburg, FL 33733

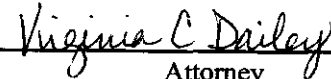
Florida Power & Light Co.  
R. Wade Litchfield, Esq.  
John T. Butler, Esq.  
700 Universe Blvd.  
Juno Beach, FL 33408-0420

Paul Lewis, Jr.  
Progress Energy Florida, Inc.  
106 East College Avenue, Suite 800  
Tallahassee, FL 32301-7740

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\_\_\_\_\_  
Attorney  
FOR GARY V. PERKO

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Environmental Cost Recovery Clause.

DOCKET NO. 080007-EI

FILED: SEPTEMBER 15, 2008

**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 documents produced in response to Staff's Third Request for Production of Documents (No. 3). PEF filed a Notice of Intent to Request Confidential Classification for this information on August 25, 2008 pursuant to Rule 25-22.006, F.A.C. This Request for Confidential Classification is filed pursuant to that Notice of Intent. In support of this Request, PEF states:

1. On August 25, 2008, PEF filed with the Commission confidential information in response to Staff's Third Request for Production of Documents (No. 3). As explained in Exhibit A to this Request, the contracts and contract summaries discussed above contain confidential 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), F.S. The information also relates to PEF's competitive interests, the disclosure of which would impair PEF's competitive business. § 366.093(3)(e), F.S. In addition, for the reasons discussed in Exhibit A, disclosure of the information regarding in-service dates, emission projections and projected allowances purchases would "impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms." § 366.093(3)(d), F.S. As such, all of the information identified in Exhibit A constitutes "proprietary confidential business information" as

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that term is defined in Section 366.093, Florida Statutes, and is therefore exempt from disclosure under the Public Records Act.

2. The following exhibits are included with this request:

(a) Exhibit A 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.

(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 information for which confidential treatment is requested has been blocked out by opaque marker or other means.

(c) Composite Exhibit C is a package containing unredacted copies of all the documents for which Progress Energy seeks confidential treatment. Composite Exhibit C is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted versions, the information asserted to be confidential is highlighted in yellow.

3. The information identified in Exhibit A and included in Composite Exhibit C is intended to be and is treated as confidential by the Company. The information has not been disclosed to the public.

4. PEF requests that the information identified in Exhibit A and labeled as "CONFIDENTIAL" in Composite 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 to the Company as soon as it is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the foregoing reasons, Progress Energy Florida, Inc., respectfully requests that this Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 15<sup>th</sup> day of September, 2008.

HOPPING GREEN & SAMS, P.A.

*Virginia C. Dailey*  
FOR Gary V. Perko

Florida Bar No. 855898

Virginia C. Dailey

Florida Bar No. 419168

123 S. Calhoun Street (32301)

Post Office Box 6526

Tallahassee, FL 32314

Telephone: 805-425-2359

Facsimile: 805-224-8551

Attorneys for PROGRESS ENERGY FLORIDA

**EXHIBIT A**  
**To Progress Energy Florida's**  
**Request for Confidential Classification**  
**Docket No. 080007-EI**

<b>Document Description</b>	<b>Page (Bates No.)</b>	<b>Line No(s)</b>	<b>Column(s)</b>	<b>Justification</b>
CH2M Hill Contract with Progress Energy # 349635 (November 2007)	PEF-POD3-NO3-006	1, 2	N/A	§366.093(3) (d)(e), F.S.
	PEF-POD3-NO3-007	1-14	N/A	§366.093(3) (d)(e), F.S.
CH2M Hill June 19, 2008 Contract Change Notification (June 19, 2008)	PEF-POD3-NO3-029	1-20	N/A	§366.093(3) (d)(e), F.S.
Analysis of costs received from bidders (K. Beck, 2007)	PEF-POD3-NO3-048	1	A-G	§366.093(3) (d)(e), F.S.
		2	A, B, D, F	§366.093(3) (d)(e), F.S.
		3	A, B, D, F	§366.093(3) (d)(e), F.S.
		4	A-I	§366.093(3) (d)(e), F.S.
		5	A, B, D, F	§366.093(3) (d)(e), F.S.
		6	A, B, D, F	§366.093(3) (d)(e), F.S.
		7	A, B, D, F	§366.093(3) (d)(e), F.S.
		8	A, B, D, F	§366.093(3) (d)(e), F.S.

COMMISSIONERS:  
MATTHEW M. CARTER II, CHAIRMAN  
LISA POLAK EDGAR  
KATRINA J. MCMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK  
ANN COLE  
COMMISSION CLERK  
(850) 413-6770

**Public Service Commission**

**ACKNOWLEDGEMENT**

**DATE:** September 15, 2008

**TO:** Gary Perko, Esquire/Hopping Green & Sams

**FROM:** Marguerite H. McLean, Office of Commission Clerk

**RE:** Acknowledgement of Receipt of Confidential Filing

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This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 080007-EI (DN 08653-08) or, if filed in an undocketed matter, concerning certain documents produced in response to staff's 3rd request for PODs (No. 3), and filed on behalf of Progress Energy Florida. The document will be maintained in locked storage.

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