

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

RECEIVED-FPSC  
08 OCT 16 PM 2:08  
COMMISSION  
CLERK

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

Docket No. 080001-EI

Dated: October 16, 2008

**AFFIDAVIT OF BRETT PHIPPS IN SUPPORT OF  
PROGRESS ENERGY FLORIDA'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF WAKE

BEFORE ME, the undersigned authority duly authorized to administer oaths,  
personally appeared Brett Phipps, who being first duly sworn, on oath deposes and says  
that:

1. My name is Brett Phipps. I am over the age of 18 years old and I have  
been authorized by Progress Energy Florida (hereinafter "PEF" or the "Company") to  
give this affidavit in the above-styled proceeding on PEF's behalf and in support of  
PEF's Request for Confidential Classification. The facts attested to in my affidavit are  
based upon my personal knowledge.

2. I am the Director of Coal in the Fuels and Power Optimization  
Department. This section is responsible for coal acquisition for both PEF and Progress

COM \_\_\_\_\_  
ECR   1   Energy Carolinas ("PEC") systems.

GCL   1    
OPC \_\_\_\_\_  
RCP \_\_\_\_\_  
SSC \_\_\_\_\_  
SGA \_\_\_\_\_  
ADM \_\_\_\_\_  
CLK \_\_\_\_\_

3. As the Director of Coal, I am responsible, along with the other members  
of the section, for the management of the coal procurement, coal transportation, and

DOCUMENT NUMBER-DATE

09866 OCT 16 08

FPSC-COMMISSION CLERK

administration of coal contracts with various suppliers for PEF's and PEC's electrical power generation facilities.

4. PEF is seeking confidential classification for information provided in response to Staff's Third Request for Production of Documents (12-17), specifically Questions 13, 14, 15, 16 and 17, submitted to Staff on October 16, 2008. A detailed description of the confidential information at issue is contained in confidential Exhibit A to PEF's Request for Confidential Classification and is outlined in PEF's Justification Matrix that is attached to PEF's Request for Confidential Classification as Exhibit C. PEF is requesting confidential classification of this information because it contains sensitive business information, the disclosure of which would impair the Company's efforts to contract for goods or services on favorable terms.

5. PEF negotiates with potential fuel suppliers to obtain competitive contracts for fuel options that provide economic value to PEF and its ratepayers. In order to obtain such contracts, however, PEF must be able to assure fuel suppliers that sensitive business information, such as contract terms, volumes, and pricing will be kept confidential. With respect to the information at issue in this Request, PEF has kept confidential and has not publicly disclosed confidential information such as coal transportation bids, contracts and coal transportation analyses. Absent such measures, suppliers would run the risk that sensitive business information that they provided in their contracts with PEF would be made available to the public and, as a result, end up in possession of potential competitors. Faced with that risk, persons or companies who otherwise would contract with PEF might decide not to do so if PEF did not keep those terms of their contracts confidential. Without PEF's measures to maintain the

confidentiality of sensitive terms in contracts between PEF and fuel suppliers, the Company's efforts to obtain competitive fuel supply contracts could be undermined.

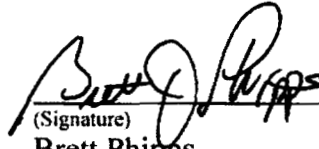
6. Additionally, the disclosure of confidential information in PEF's fuel supply contracts, could adversely impact PEF's competitive business interests. If such information was disclosed to PEF's competitors, PEF's efforts to obtain competitive fuel supply options that provide economic value to both PEF and its ratepayers could be compromised by PEF's competitors changing their consumption or purchasing behavior within the relevant markets.

7. Upon receipt of confidential information from fuel suppliers, and with its own confidential information, strict procedures are established and followed to maintain the confidentiality of the terms 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 and contracts. At no time since receiving the contracts and information in question has the Company publicly disclosed that information. The Company has treated and continues to treat the information and contracts at issue as confidential.

8. This concludes my affidavit.

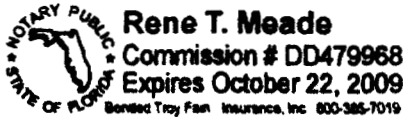
Further affiant sayeth not.

Dated the 15 day of October, 2008.

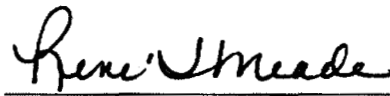


(Signature)  
Brett Phipps  
Director - Coal  
Fuel and Power Optimization Department  
Progress Energy Carolinas  
Post Office Box 1551  
Raleigh, NC. 27602

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 15 day of October, 2008 by Rene' T. Meade. He is personally known to me, or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.



(AFFIX NOTARIAL SEAL)



(Signature)  
Rene' T. Meade

(Printed Name)  
NOTARY PUBLIC, STATE OF \_\_\_\_\_

October 22, 2009  
(Commission Expiration Date)

DD479968  
(Serial Number, If Any)