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May 12, 2010

Ms. Ann Cole, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

RE: Petition for Approval of Proposed DSM Plan of PEF; Docket No. 100160-EG

Dear Ms. Cole:

Enclosed for filing in the above referenced docket on behalf of Progress Energy Florida, Inc. ("PEF") are the original and fifteen (7) copies of the following:

- PEF's Second Request for Confidential Classification for PEF's Responses to SACE's First Request for Production of Documents
- The confidential information is attached in a sealed envelope.

7 copies
received by
CLK.
-DM

If you have any questions concerning this filing, please feel free to contact me at (727) 820-5184.

Thank you for your assistance in this matter.

Sincerely,

John T. Burnett

JTB/at
Enclosures

cc: Certificate of Service

- COM _____
- APA _____
- ECR _____
- GCL 1
- RAD 5
- SSC _____
- ADM _____
- OPC _____
- CLK 1

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04013 MAY 13 2010
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of
Proposed Demand-side Management Plan
of Progress Energy Florida, Inc.

DOCKET NO. 100160-EI
SERVED: May 13, 2010

**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, Florida Administrative Code, files this Second Request for Confidential Classification for confidential portions of PEF's responses to Southern Alliance Clean Energy's, (SACE)'s First Request for Production (Nos. 1-5).

Specifically, portions of the documents responsive to SACE's Request No. 1 contain sensitive business information such as budgets, projected earnings, projected costs, and proprietary third party information, disclosure of which would adversely impact PEF's competitive business interests. Accordingly, PEF hereby submits the following.

Basis for Confidential Classification

Subsection 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 relating to competitive interests” is defined as proprietary confidential business information if the disclosure of such information “would impair the competitive business of the provider of the information.” §366.093(3)(e), Fla. Stats.

The aforementioned portions of PEF’s responses to SACE’s First Request for Production should be afforded confidential classification because these portions contain proprietary confidential business information. Public disclosure of the information in question would impair PEF’s competitive business interests.

SACE’s First Request for Production No. 1

Portions of PEF’s response to SACE’s Request No. 1 should be afforded confidential treatment for the reasons set forth in the Affidavit of Marcia J. Olivier filed in support of PEF’s Second Request for Confidential Classification and for the following reasons. Portions of the documents responsive to Request No. 1 contain sensitive business information such as PEF’s cost analysis and studies conducted regarding the projected rate impacts of PEF’s DSM Plan, budgets, projected earnings, and projected costs, the disclosure of which would adversely impact PEF’s competitive business interests. See Affidavit of Marcia J. Olivier at ¶ 5. For example, if PEF’s suppliers or providers were made aware of such budgets, projected earnings, or projected costs, they may adjust their behavior in the market place with respect to activity such as pricing and the provision of goods, materials, and services. Id.

Strict procedures are established and followed to maintain the confidentiality of the terms of the confidential documents and information at issue, including restricting access to those persons who need the information and documents to assist the Company. See Affidavit of Marcia J. Olivier at ¶ 6. At no time has the Company publicly disclosed the confidential information or documents at issue. Id. The Company has treated and continues to treat the information and documents at issue as confidential. Id.

Conclusion

Certain portions of PEF's responses to SACE's First Request for Production fit the statutory definition of proprietary confidential business information under Section 366.093 and Rule 25-22.006, Florida Administrative Code, and that information should be afforded confidential classification. In support of this motion, PEF has enclosed the following:

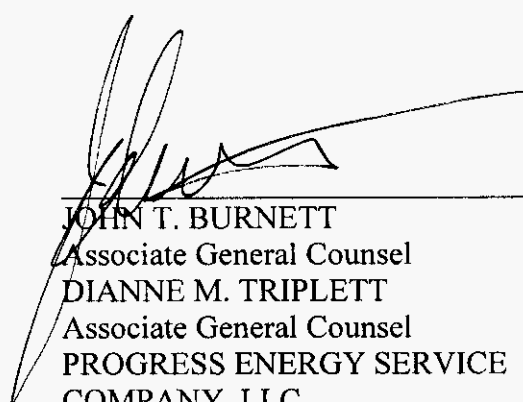
(1). A separate, sealed envelope containing one copy of the confidential Appendix A to PEF's Request for Confidential Classification for which PEF intends to request confidential classification with the appropriate section, pages, or lines containing the confidential information highlighted. **This information should be accorded confidential treatment pending a decision on PEF's request by the Florida Public Service Commission;**

(2). Two copies of the confidential responses 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 certain portions of PEF's responses to SACE's First Request for Production, Request No. 1, described specifically in Attachment C, be classified as confidential for the reasons set forth above.


Respectfully submitted this 17th day of May, 2010.



JOHN T. BURNETT
Associate General Counsel
DIANNE M. TRIPLETT
Associate General Counsel
PROGRESS ENERGY SERVICE
COMPANY, LLC
299 First Avenue North
St. Petersburg, FL 33701
Telephone: (727) 820-5184
Facsimile: (727) 820-5519

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification has been furnished via U.S. Mail this 13th day of May, 2010 to all parties of record as indicated below.



Attorney

<p>Katherine Fleming Jennifer Brubaker Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 keflemin@psc.state.fl.us jbrubake@psc.state.fl.us</p> <p>Vicki Gordon Kaufman Jon C. Moyle, Jr. Keefe Anchors Gordon & Moyle, P.A. 118 North Gadsden Street Tallahassee, FL 32301 vkaufman@kagmlaw.com jmoyle@kagmlaw.com</p> <p>Suzanne Brownless Suzanne Brownless, PA 1975 Buford Blvd. Tallahassee, FL 32308 Phone: 850-877-5200 FAX: 878-0090 Email: suzannebrownless@comcast.net</p>	<p>Florida Industrial Power Users Group c/o John McWhirter, Jr. McWhirter Reeves & Davidson, P.A. P.O. Box 3350 Tampa, FL 33601-3350 jmcwhirter@mac-law.com</p> <p>George Cavros, Esq. 120 E. Oakland Park Blvd., Ste. 105 Fort Lauderdale, FL 33334 George@cavros-law.com</p> <p>James W. Brew F. Alvin Taylor Brickfield, Burchette, Ritts & Stone, P.C. 1025 Thomas Jefferson St., NW Eighth Floor, West Tower Washington, DC 20007-5201 jbrew@bbrslaw.com ataylor@bbrslaw.com</p>
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State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: May 13, 2010
TO: John T. Burnett, 299 First Avenue North St. Petersburg FL 33701
FROM: Diamond Williams, Office of Commission Clerk
RE: Acknowledgement of Confidential Filing in Docket Number 100160-EG

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in the above-referenced docket.

Document Number 04015-10 has been assigned to this filing, which will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.