

# Hopping Green & Sams

Attorneys and Counselors

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

September 13, 2010

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COMMISSION  
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## BY HAND DELIVERY

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

CLAIM OF CONFIDENTIALITY  
 NOTICE OF INTENT  
 REQUEST FOR CONFIDENTIALITY  
 FILED BY OPC

FOR DN 07160-10, WHICH  
IS IN LOCKED STORAGE. YOU MUST BE  
AUTHORIZED TO VIEW THIS DN. - CLK

Re: Docket No. 100007-EI – Request for Confidential Classification

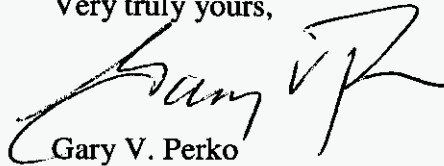
Dear Ms. Cole:

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.
- (2) An envelope containing Exhibit B, which includes two redacted copies of the confidential documents; and
- (3) A CONFIDENTIAL envelope containing 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,



Gary V. Perko

COM	_____	Enclosures
APA	_____	
<u>ECR</u>	<u>3</u>	
GCL	_____	
RAD	_____	
SSC	_____	
ADM	_____	
OPC	_____	
CLK	<u>Perko</u>	

DOCUMENT NUMBER 100007-EI  
 07649 SEP 13 2010  
 FPSC-COMM-3887-101

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Environmental Cost Recovery Clause.

DOCKET NO. 100007-EI

FILED: SEPTEMBER 13, 2010

**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, submits this Request for Confidential Classification of certain documents responsive to Staff's Fifth Request for Documents (No. 13) in the above docket. In support, PEF states:

1. In response to Request No. 13 of Staff's Fifth Request for Production of Documents to Progress Energy in the above-styled docket, PEF is providing staff with invoices and a cash flow projection for contractual services related the design and construction, as well as equipment and materials, for components of environmental projects included in PEF's Integrated Clean Air Compliance Plan. Such documents include "proprietary confidential business information" within the meaning of Section 366.093(3), F.S. Specifically, the information includes contractual data, such as pricing and other contractual terms, negotiated between the parties. If the information for which PEF seeks confidential classification is disclosed to potential contractors, PEF's efforts to obtain options that provide economic value to both PEF and its ratepayers could be compromised by potential contractors changing their negotiating behavior when PEF seeks to negotiate similar contracts in the future. Likewise, in order to secure contracts, PEF must be able to assure such companies that sensitive business information, such as the terms of their contracts, will be kept confidential. Absent such measures, the companies would run the risk that sensitive business information that they provided in their

DOCUMENT NUMBER DATE

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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. For these reasons, disclosure of the information for which PEF seeks confidential classification would place PEF at a competitive disadvantage when negotiating with other contractors and, therefore, would impair the Company's efforts to contract for similar services and commodities. *See* § 366.093(3)(d), F.S. Furthermore, the information relates to the competitive interests of PEF and its contractors, the disclosure of which would impair their competitive businesses. *Id.* § 366.093(3)(e), F.S.. Accordingly, the information constitutes "proprietary confidential information" which is exempt from disclosure under the Public Records Act pursuant to § 366.093(1), F.S.

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 Progress 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. 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 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 by yellow marker.

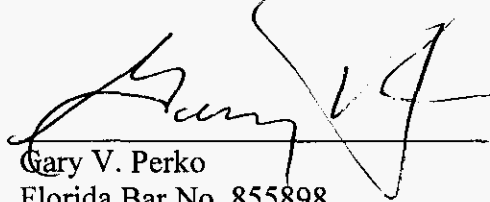
3. The information identified in Exhibit "A" is intended to be and is treated as confidential by the Company. The information has not been disclosed to the public.

4. Progress Energy requests that the information identified in Exhibit A be classified as "proprietary confidential business information" within the meaning of § 366.093(3), F.S., and that the information remain confidential for a period of at least 18 months as provided in § 366.093(4), F.S., and that the information be returned as soon as it is no longer necessary for the Commission to conduct its business.

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

Respectfully submitted, this 13<sup>th</sup> day of September, 2010.

HOPPING GREEN & SAMS, P.A.



Gary V. Perko  
Florida Bar No. 855898  
Suite 300, 119 South Monroe Street (32301)  
Post Office Box 6526  
Tallahassee, Florida 32314  
Telephone: 805-425-2359  
Facsimile: 805-224-8551

Attorneys for PROGRESS ENERGY FLORIDA

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to all counsel of record and interested parties as listed below by e-mail this 13th day of September, 2010.

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

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

J.R. Kelly, Esq.  
Patricia Christensen, Esq.  
Charlie Beck, Esq.  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Rm. 812  
Tallahassee, FL 32399

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

Shayla L. McNeill, Capt, USAF  
c/o AFLSA/JACL-ULT  
139 Barnes Drive, Suite 1  
Tyndall AFB, FL 32403-5319

Keef Law Firm  
Vicki Gordon Kaufman/Jon C. Moyle, Jr.  
118 North Gadsden Street  
Tallahassee, FL 32301  
Phone: 850-681-3828

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

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

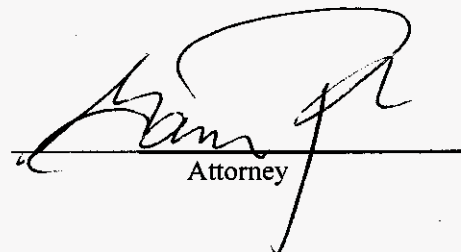
Paul Lewis, Jr.  
Progress Energy Florida, Inc.  
106 East College Avenue, Suite 800  
Tallahassee, FL 32301-7740

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

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

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

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

  
\_\_\_\_\_  
Attorney

**EXHIBIT "A"**

**JUSTIFICATION FOR CONFIDENTIAL CLASSIFICATION**

<b>Document</b>	<b>Bates No(s).</b>	<b>Line(s)</b>	<b>Column(s)</b>	<b>Statutory Justification</b>
Invoice from Golder Associates, Inc. – 5/17/10	PEF-POD-13.1-001	1-5	N/A	§ 366.093(3)(d) and (e), Fla. Stat.
Invoice from Golder Associates, Inc. – 6/4/10	PEF-POD-13.1-002	1-2	N/A	§ 366.093(3)(d) and (e), Fla. Stat.
Invoice from Golder Associates, Inc. – 4/8/10	PEF-POD-13.1-003	1-6	N/A	§ 366.093(3)(d) and (e), Fla. Stat.
Invoice from Pave-Rite, Inc. – 1/28/10	PEF-POD-13.1-004	1-16	A-B	§ 366.093(3)(d) and (e), Fla. Stat.
Invoice from Pave-Rite, Inc. – 2/1/10	PEF-POD-13.1-005	1-10	A-B	§ 366.093(3)(d) and (e), Fla. Stat.
Invoice from Pave-Rite, Inc. – 3/23/10	PEF-POD-13.1-006	1-10	A-B	§ 366.093(3)(d) and (e), Fla. Stat.
Invoice from Veolia Es Industrial Services, Inc. – 2/12/10	PEF-POD-13.1-007	1-31	A	§ 366.093(3)(d) and (e), Fla. Stat.
		1-35	B	§ 366.093(3)(d) and (e), Fla. Stat.
Invoice from Veolia Es Industrial Services, Inc. – 2/12/10	PEF-POD-13.1-008	1-25	A	§ 366.093(3)(d) and (e), Fla. Stat.
		1-32	B	
Purchase Order for Induced Draft Fans & related services	PEF-POD-13.1-009	1-19	N/A	§ 366.093(3)(d) and (e), Fla. Stat.
Babcock & Wilcox change order – 3/5/10	PEF-POD-13.1-010	1-7	N/A	§ 366.093(3)(d) and (e), Fla. Stat.
Invoice from Commonwealth Dynamics, Inc. – 1/6/10	PEF-POD-13.1-011	1-10	N/A	§ 366.093(3)(d) and (e), Fla. Stat.
Invoice from Commonwealth Dynamics, Inc. – 1/6/10	PEF-POD-13.1-012	1-8	N/A	§ 366.093(3)(d) and (e), Fla. Stat.
Invoice from Commonwealth Dynamics, Inc. – 3/3/10	PEF-POD-13.1-013	1-6	N/A	§ 366.093(3)(d) and (e), Fla. Stat.
Invoice from Commonwealth Dynamics, Inc. – 4/9/10	PEF-POD-13.1-014	1-9	N/a	§ 366.093(3)(d) and (e), Fla. Stat.
Commonwealth Dynamics, Inc. – Montly Cash Flow Projection -	PEF-POD-13.1-001	1-5	N/A	§ 366.093(3)(d) and (e), Fla. Stat.

State of Florida



**Public Service Commission**  
CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**Gary V. Perko  
P.O. Box 6526  
Tallahassee FL 32314**

**Re: Acknowledgement of Confidential Filing in Docket No. 100007-EI.**

**This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on September 13, 2010, in the above-referenced docket.**

**Document Number 07650-10 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.**