

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Petition of Progress Energy Florida, Inc. for approval of a negotiated purchase power contract with Hathaway Renewable Energy, Inc.

Docket No. 100345-EQ

Docket No. 100346-EQ

In re: Petition of Progress Energy Florida, Inc. for approval of a second negotiated purchase power contract with Hathaway Renewable Energy, Inc.

Docket No. 100347-EQ

In re: Petition of Progress Energy Florida, Inc. for approval of a third negotiated purchase power contract with Hathaway Renewable Energy, Inc.

Dated: July 6, 2010

**PROGRESS ENERGY FLORIDA INC.'S  
AMENDED 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 Amended Request for Confidential Classification for certain information contained in the negotiated contracts ("the Contracts") between PEF and Hathaway Renewable Energy, Inc. ("Hathaway") filed on November 5, 2010. In support of this Request, PEF states:

1. The Contracts contain information that is "proprietary business information" under Section 366.093(3), Florida Statutes.

2. The following exhibits are included with this request:

(a) Sealed Composite Exhibit A is a package containing unredacted copies of all

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\_\_\_ CLAIM OF CONFIDENTIALITY  
\_\_\_ NOTICE OF INTENT  
 REQUEST FOR CONFIDENTIALITY  
\_\_\_ FILED BY OPC  
FOR DN 0920510, WHICH  
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the documents for which PEF seeks confidential treatment. Composite Exhibit A 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.

(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) Exhibit C is a justification table which identifies by page and line the information for which PEF seeks confidential classification and the specific statutory bases for seeking confidential treatment.

3. As indicated in Exhibit C, the information for which PEF requests confidential classification is “proprietary confidential business information” within the meaning of Section 366.093(3), F.S. Specifically, the information at issue relates to competitively negotiated contractual data, such as certain terms, dates, letter of credit amount, environmental cost limit amount, facility configuration, and seller’s corporate/bank information, the disclosure of which would impair the efforts of the Company or its affiliates to negotiate purchase power contracts on favorable terms. *See* § 366.093(3)(d), F.S.; Affidavit of David Gammon at ¶ 5. Furthermore, the information at issue relates to the competitive interests of PEF, the disclosure of which would impair their competitive businesses. *Id.* § 366.093(3)(e); Affidavit of David Gammon at ¶ 6. Accordingly, such information constitutes “proprietary confidential business information” which is exempt from disclosure under the Public Records Act pursuant to Section 366.093(1), F.S.

4. The information identified as Exhibit “A” is intended to be and is treated as

confidential by the Company. See Affidavit of David Gammon at ¶ 7. The information has not been disclosed to the public, and the Company has treated and continues to treat the information and contracts at issue as confidential. See Affidavit of David Gammon at ¶ 7.

5. PEF requests that the information identified in Exhibit A 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 as soon as it is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the foregoing reasons, PEF respectfully requests that this Amended Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 5<sup>th</sup> day of November, 2010.

Handwritten signature of John T. Burnett in cursive, with the initials 'ems' at the end.

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State of Florida



## Public Service Commission

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**Re: Acknowledgement of Confidential Filing in Docket No. 100345-EQ, 100346-EQ,  
100347-EQ**

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on November 5, 2010, in the above-referenced docket.

Document Number 09205-10 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.