



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD 3
TALLAHASSEE, FLORIDA 32399-0850

RECEIVED-FPSC

10 NOV 10 09:42

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

DATE: November 10, 2010
TO: Lee Eng Tan, Senior Attorney, Office of the General Counsel
FROM: Victor Ma, Engineering Specialist I, Division of Regulatory Analysis
RE: Confidential Document No. 09205-10, Docket 100345-EQ, 100346-EQ, 100347-EQ

Progress Energy Florida, Inc. (PEF) has requested that certain information relating to competitively negotiated contractual data, such as certain terms, dates, letter of credit amount, environment cost limit amount, facility configuration, and seller information, be kept confidential.

PEF requests confidentiality under Subsection 366.093(3), Florida Statutes (F.S.), which states:

(3) Proprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. Proprietary confidential business information includes, but is not limited to:

- (a) Trade secrets.
- (b) Internal auditing controls and reports of internal auditors.
- (c) Security measures, systems, or procedures.
- (d) Information concerning bids or other 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.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

COM _____
 APA _____
 ECR _____
 GCL _____
 RAD _____
 SSC _____
 ADM _____
 OPC _____
 CLK Para

DOCUMENT NUMBER DATE

09284 NOV 10 09

FPSC-COMMISSION CLERK

Staff has reviewed PEF's confidentiality request. In staff's opinion, the request does meet the criteria for confidentiality contained in Subsection 366.093(3)(d), F.S. and Subsection 366.093(3)(e), F.S. Therefore, staff recommends that the request for confidentiality of certain information included in Document No. 09205-10 be approved.



Public Service Commission

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

NOV 10 AM 11:39
FPSC

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

DATE: 11/08/2010

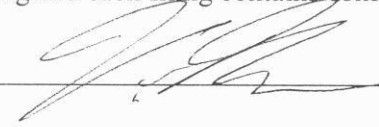
TO: Division of Regulatory Analysis, Officer of Primary Responsibility

FROM: Office of Commission Clerk

RE: CONFIDENTIALITY OF CERTAIN INFORMATION
 Docket No(s): 100345-EQ thru 100347-EQ Document No(s): 09205-10
 Description: Progress (Burnett) - (CONFIDENTIAL) Certain information contained in negotiated contracts with Hathaway Renewable Energy, Inc.
 Source: Progress Energy Florida, Inc.

The above-referenced confidential material was filed along with an **amended request for confidential classification**. Please check all applicable information and forward a copy to the attorney assigned to the docket, along with a brief memorandum supporting your recommendation. Copies of your recommendation should also be filed with the Office of Commission Clerk and the Office of General Counsel.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
 - (a) Trade secrets;
 - (b) Internal auditing controls and reports of internal auditors;
 - (c) Security measures, systems, or procedures;
 - (d) Information concerning bids or other 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;
 - (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information;
 - (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
- The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
- The material appears not to be confidential in nature.
- The material is a periodic or recurring filing and each filing contains confidential information.

Response prepared by Victor Ma  Date: 11/10/2010