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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Examination of the outage and replacement fuel/power costs associated with the CR3 steam generator replacement project, by Progress Energy Florida, Inc.

DOCKET NO.: 100437-EP

Served: March 27, 2013

COMMISSION CLERK

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claim by Congressman
notice of intent
X request for confidentiality
filed by OPC

PROGRESS ENERGY FLORIDA'S FOURTH REQUEST FOR CONFIDENTIAL CLASSIFICATION

For DN 01473-13, which is in locked storage. You must be authorized to view this DN. CLK

Progress Energy Florida ("PEF" or the "Company"), pursuant to Section 366.093, Fla. Stats., and Rule 25-22.006, Florida Administrative Code, files this Fourth Request for Confidential Classification for confidential portions of PEF's responses to Citizens' Seventh Set of Requests for Production of Documents (Nos. 63-66).

Specifically, portions of the documents responsive to Request No. 65 contain proprietary confidential business information related to insurance coverage estimates. Accordingly, PEF hereby submits the following. Affidavit of Alex Glenn at ¶ 5.

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 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

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information “would impair the competitive business of the provider of the information.” §366.093(3)(e), Fla. Stats. In addition, “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” is defined as proprietary confidential business information. § 366.093(3)(d), Fla. Stats.

The aforementioned portions of PEF’s responses to Citizens’ Seventh Set of Requests for Production of Documents 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. PEF has a contractual obligation to keep portions of the information confidential based on confidentiality provisions that prohibit the disclosure of the terms. See Affidavit of Glenn ¶ 5.

Citizens’ Seventh Request for Production of Documents

Portions of PEF’s response to Citizens’ Seventh Set of Requests For Production No. 65 should be afforded confidential treatment for the reasons set forth in the Affidavit of Alex Glenn filed in support of PEF’s Fourth Request for Confidential Classification and for the following reasons. Portions of the documents responsive to Request No. 65 contain proprietary confidential business information related to insurance costs estimates the disclosure of which would adversely impact PEF’s competitive business interests by disclosing sensitive business information. See § 366.093(3)(e), F.S.; Affidavit of Alex Glenn at ¶ 5. If third parties were made aware of the confidential terms that PEF has or is negotiating with other parties, they may offer PEF less competitive contract terms in future contractual negotiations. Affidavit of Alex Glenn ¶¶ 5-6. If PEF’s competitors and counterparties were made aware of such information, they may adjust their behavior in relevant markets and venues. Affidavit of Alex Glenn 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.

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 Alex Glenn at ¶ 7. 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 Citizens’ Seventh Set of Requests 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 Fourth 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 Citizens' Seventh Set of Requests for Production (Nos. 63-66), described specifically in Attachment C, be classified as confidential for the reasons set forth above.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished to counsel and parties of record as indicated below via electronic and U.S. Mail this 27th day of March, 2013.



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PROGRESS ENERGY FLORIDA
In re: Examination of the outage and
replacement fuel/power costs associated with the
CR3 steam generator replacement project, by
Progress Energy Florida, Inc.
Docket 100437-EI
Fourth Request for Confidential Classification

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Exhibit B

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13DELAM-OPCPOD7-65-000009
through
13DELAM-OPCPOD7-65-000011
are redacted in their entirety

PROGRESS ENERGY FLORIDA DOCKET 100437-EI
Fourth Request for Confidential Classification
Confidentiality Justification Matrix

ATTACHMENT C

DOCUMENT	PAGE/LINE/ COLUMN	JUSTIFICATION
PEF Response to Citizens' Seventh Request for Production No. 65 bearing Bates Nos. 13DELAM-OPCPOD7-65-000009 through 13DELAM-OPCPOD7-65-000011	Entire document	§366.093(3)(e), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.