

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery
clause with generating performance incentive
factor.

DOCKET NO. 050001-EI
ORDER NO. PSC-05-0200-CFO-EI
ISSUED: February 21, 2005

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 01001-05)

On January 27, 2005, pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Progress Energy Florida, Inc. (PEF) filed a request for confidential classification of portions of its response to Staff's Fourth Request for Production of Documents (Nos. 8-10) (Document No. 01001-05).

Section 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]." Section 366.093(3), Florida Statutes, defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Section 366.093(3), Florida Statutes, provides that proprietary confidential business information includes, but is not limited to "[t]rade secrets" (subsection a); "[i]nformation 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" (subsection d); and "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information" (subsection e).

PEF contends that portions of its response to Request Nos. 8-10 of Staff's Fourth Request for Production of Documents falls within these categories and thus constitutes proprietary confidential business information entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. PEF states that this information is intended to be and is treated by PEF as private and has not been publicly disclosed.

PEF requests that the following information be granted confidential classification:

DOCUMENT NUMBER-DATE

01753 FEB 21 05

Document Description	Page No(s).	Line No(s).	Column(s)	Justification
Request for Proposals (RFP) for natural gas requirements	3-6	All	All	§366.093(3) (d)(e), F.S
Coal Solicitation - "A" & "D" Coal – CR Units 1,2,4, & 5 RFPs released 4/12/04 – Evaluation Workpapers				
Evaluation workpapers (composite)	1	1	B ¹ , B ² , I ¹ , I ²	§366.093(3) (d)(e), F.S
		2	A-K, I ³	
		3-19	A-K	
		20	n/a	
	2	1-16	A-K	
		17	n/a	
	3	1	n/a	
		2-15	A-K	
		16	n/a	
		17-22	L-M	
	4	1-16	A-I, I ¹ , J, K	
		17	n/a	
		18-19	L, M	
	5	1-16	A-K	
		17	n/a	
	6	1-6	A-I	
		7	n/a	
	7	1-6	A-I	
		7	n/a	
	8	1-3, 12	A-L	
		4-11, 13-23	A-D, F-L	
		24	n/a	
	9	1-8, 10-23	A-D, F-L	
		9	A-L	
	24	n/a		
10	1-8, 10-23	A-D, F-L		
	9	A-L		
	24	n/a		
11	1	n/a		

	2, 4-6	A-I
	3	A-J
	7	n/a
	8-9	K
	10-13	K, L
12	1	n/a
	2-12, 14-24	A-D, F-L
	13	A-L
	25	n/a
13	1-18, 20-23	A-D, F-L
	19	A-L
	24	n/a
18	1-16	A-K
	17	n/a
19	1-23	A-K
	24	n/a
27	1-4	all
32	1-7	A-J
	8	n/a
33	1-8, 10-23	A-D, F-L
	9	A-L
	24	n/a
34	1-8, 10-23	A-D, F-L
	9	A-L
	24	n/a
35	1-14	A-K
	15	n/a
36	1-14	A-K
	15	n/a

Coal Solicitation - "A" & "D" Coal - CR 1, 2, 4, & 5 Contracts Awarded				
Agreement for the Sale and Purchase of Coal - 6/7/04	2	1	n/a	§366.093(3) (d)(e), F.S
	6	1	n/a	
	7	1	n/a	
	11	1-2	n/a	
	12	1	n/a	
	App.A, p.1	1-2	n/a	
	App.B, p.1	1-3	n/a	

Agreement for the Sale and Purchase of Coal - 9/8/04	2	1	n/a	§366.093(3) (d)(e), F.S
	4	1-4	n/a	
	7	1	n/a	
	11	1	n/a	
	App A, p.1	1-2	n/a	
	App. B, p.1	1	n/a	
Agreement for the Sale and Purchase of Coal - 7/8/04	4	1	n/a	§366.093(3) (d)(e), F.S
	8	1	n/a	
	13	1	n/a	
	21	1-3	n/a	
	App. A, p.1	1-2	n/a	
	App. B, p.1	1-3	n/a	
Agreement for the Sale and Purchase of Coal - 9/13/04	2	1	n/a	§366.093(3) (d)(e), F.S
	10	1	n/a	
	App. A, p.1	1	n/a	
	App. B, p.1	1	n/a	
Agreement for the Sale and Purchase of Coal - 8/9/04	2	1	n/a	§366.093(3) (d)(e), F.S
	4	1-4	n/a	
	8	1	n/a	
	13	1-2	n/a	
	App. A, p.1	1-2	n/a	
	App. B, p.1	1	n/a	
Agreement for the Sale and Purchase of Coal - 11/17/04	4	1-3	n/a	§366.093(3) (d)(e), F.S
	5	1	n/a	
	9	1-2	n/a	
	14	1	n/a	
	App. A, p. 1	1	n/a	
	App. B, p.1	1-3	n/a	
Coal Sales - Unsolicited Offer 3/02/04				
Agreement for the Sale and Purchase of Coal - 9/17/04	2	1-3	n/a	§366.093(3) (d)(e), F.S
	3	1-2	n/a	
	8	1	n/a	
	App.A, p.1	1	n/a	
	App.B, p.1	1	n/a	
Confirmation letter from coal supplier 4/30/04	1	1-2	n/a	§366.093(3) (d)(e), F.S
E-mails between Progress Fuels (PFC) and coal supplier 3-25-04	1	1-7	n/a	§366.093(3) (d)(e), F.S
	2	1-4	n/a	

E-mails between PFC and coal supplier 3-23/04 & 3-25-04	1	1-5	n/a	§366.093(3) (d)(e), F.S
	2	1	n/a	
Ltr from coal supplier to PFC re coal availability & prices – 3/22/04	2	1-2	n/a	§366.093(3) (d)(e), F.S
PFC Market Evaluation	1	1-7	A-C	§366.093(3) (d)(e), F.S
		8	n/a	
PFC Evaluation	1	1-9	A, B	§366.093(3) (d)(e), F.S
		10-11	n/a	
PFC internal memo re counterproposal	1	1-2	n/a	§366.093(3) (d)(e), F.S
E-mail from PFC to coal supplier re unsolicited 2005-06 offer 3/23/04	1	1-6	n/a	§366.093(3) (d)(e), F.S
Ltr from coal supplier to PFC re coal availability and prices – 3/22/04	2	1-2	n/a	§366.093(3) (d)(e), F.S
PFC Evaluation 3/23/04	1	1-11	A, B	§366.093(3) (d)(e), F.S
PFC Market Evaluation FOB Barge 3/23/04	1	1-8	A, B	§366.093(3) (d)(e), F.S
		9	n/a	
E-mail/Notes of Coal offer 4/6/04	1	1-4	n/a	§366.093(3) (d)(e), F.S
Ltr agreement for sale of “compliance” coal 12/15/03	1	1-2	n/a	§366.093(3) (d)(e), F.S
Coal Solicitation – “D” Coal CR units 4&5 – RFPs released 4/12/04				
PFC inter-office memo re 2005-2007 RFP, Purchase Activity and Contract Re-Openers 6/22/04	1	1-3	n/a	§366.093(3) (d)(e), F.S
	2	1-4	n/a	
	3	1-5	n/a	
Evaluation workpapers CR Units 1,2,4 & 5 Purchases from 2005-2006 RFP	1	1-8	A-D	§366.093(3) (d)(e), F.S
	1	9	n/a	
	2	1-9	A-D	
	2	10	n/a	
Evaluation workpapers CR Units 4 & 5 5/04 solicitation	1	1-26	A-H	§366.093(3) (d)(e), F.S
	1	27	n/a	
Evaluation workpapers CR Units 1 & 2 5/04 solicitation	1	1-14	A-D	§366.093(3) (d)(e), F.S
	1	15	n/a	
Evaluation workpapers CR Units 1,2, 4 & 5 purchases 2005-06	1	1-14	A-D	§366.093(3) (d)(e), F.S
	1	15	n/a	

PFC Inter-Office Corresp. re Coal Purchase Authorization May 17, 2004	1	1-10	A-B	§366.093(3) (d)(e), F.S
Draft Agreement for the Sale & Purchase of Coal (Master Water Domestic)			n/a	§366.093(3) (d)(e), F.S
			n/a	
Draft Agreement for the Sales and Purchase of Coal (Master Rail)	App. A, p.1	1-4	n/a	§366.093(3) (d)(e), F.S
	App. B, p.1	1-3	n/a	
	App. C, p.1	1-24	n/a	
E-mail from supplier re coal pricing 2005-2007 bid 5/12/04	3	1-4	n/a	§366.093(3) (d)(e), F.S
Offer to sell coal for CR 4 &5	3	1-7	n/a	§366.093(3) (d)(e), F.S
PFC Coal Producers' Solicitation Form	1	1	n/a	§366.093(3) (d)(e), F.S
Coal proposal from supplier 5/12/04	3	1-4	n/a	§366.093(3) (d)(e), F.S
PFC Coal Producers' Solicitation Form	1	1	n/a	§366.093(3) (d)(e), F.S
Letter from supplier re; terms and conditions of coal proposal 5/12/04	3	1-4	n/a	§366.093(3) (d)(e), F.S
PRC Coal Producers' Solicitation Form	1	1	n/a	§366.093(3) (d)(e), F.S
E-mails with supplier re: offer Summary 5/12/04	1	1-3	n/a	§366.093(3) (d)(e), F.S
	2	1	n/a	
Ltr from supplier re Coal Supply and Transportation Proposal 5/11/04	2	1-3	n/a	§366.093(3) (d)(e), F.S
Ltr from supplier re Coal Transportation Proposal 5/11/04	2	1-4	n/a	§366.093(3) (d)(e), F.S
Ltr from supplier re Coal Transportation Proposal 5/11/04	2	1	n/a	§366.093(3) (d)(e), F.S
PFC Coal Producers' Solicitation Form	1	1	n/a	§366.093(3) (d)(e), F.S
PFC Coal Producers' Solicitation Form	1	1	n/a	§366.093(3) (d)(e), F.S
RFP Response 5/07/04	3	1-3	n/a	§366.093(3) (d)(e), F.S
RFP Response 5/07/04	2	1-3	n/a	§366.093(3) (d)(e), F.S
PFC Coal Producers' Solicitation Form	1	1	n/a	§366.093(3) (d)(e), F.S
PFC Coal Producers' Solicitation	1	1-2	n/a	§366.093(3)

Form				(d)(e), F.S
PFC Coal Producers' Solicitation Form	1	1	n/a	§366.093(3) (d)(e), F.S
PFC Coal Producers' Solicitation Form with attached pricing	1A	1-4	n/a	§366.093(3) (d)(e), F.S
Coal sale proposal 5/11/04	2	1-3	n/a	§366.093(3) (d)(e), F.S
Coal sale proposal to PFC 5/11/04	1	1-3	n/a	§366.093(3) (d)(e), F.S
PFC Coal Producers' Solicitation Form	1	1	n/a	§366.093(3) (d)(e), F.S
PFC Coal Producers' Solicitation Form	1	1	n/a	§366.093(3) (d)(e), F.S
PFC Coal Producers' Solicitation Form	1	1	n/a	§366.093(3) (d)(e), F.S
PFC Coal Producers' Solicitation Form	1	1	n/a	§366.093(3) (d)(e), F.S
Coal Solicitation – "A" Coal CR units 1&2 – RFPs released 4/12/04				
PFC inter-office memo re 2005-2007 RFP, Purchase Activity and Contract Re-Openers - 6/22/04	1	1-3	n/a	§366.093(3) (d)(e), F.S
	2	1-4	n/a	
	3	1-5	n/a	
Evaluation workpapers - CR 1, 2, 4 & 5	1	1-8	A-D	§366.093(3) (d)(e), F.S
	1	9	n/a	
	2	1-9	A-D	
	2	10	n/a	
Evaluation workpaper CR 4 & 5	1	1-26	A-H	§366.093(3) (d)(e), F.S
	1	27	n/a	
Evaluation workpaper CR 1 & 2	1	1-14	A-D	§366.093(3) (d)(e), F.S
	1	15	n/a	
Evaluation workpaper CR 1, 2, 4 and 5	1	1-14	A-D	§366.093(3) (d)(e), F.S
	1	15	n/a	
PFC Inter-Office Corresp. re Coal Purchase Authorization 5/17/04	1	1-10	A-B	§366.093(3) (d)(e), F.S
PFC inter-office e-mail re Coal Purchase authorization 5/20/04	1	1-2	A-B	§366.093(3) (d)(e), F.S
PFC Coal Producers' Solicitation Form	1	1-2	n/a	§366.093(3) (d)(e), F.S
PFC Coal Producers' Solicitation Form	1	1	n/a	§366.093(3) (d)(e), F.S
PFC Coal Producers' Solicitation Form	1	1	n/a	§366.093(3) (d)(e), F.S

PFC Coal Producers' Solicitation Form	1	1	n/a	§366.093(3)(d)(e), F.S
Proposal letter from coal supplier to PFC 5/12/04	3	1-4	n/a	§366.093(3)(d)(e), F.S
PFC Coal Producers' Solicitation Form	1	1	n/a	§366.093(3)(d)(e), F.S
Proposal letter from coal supplier to PFC 5/12/04	3	1-4	n/a	§366.093(3)(d)(e), F.S
PFC Coal Producer's Solicitation	1	1	n/a	confid'l banking info – see Order No. PSC -03-1421-CFO-EI
PFC Coal Producers' Solicitation Form	1	1	n/a	§366.093(3)(d)(e), F.S
Proposal Letter from coal supplier to PFC 5/11/04	1	1	n/a	§366.093(3)(d)(e), F.S
PFC Coal Producers' Solicitation Form	1	1	n/a	§366.093(3)(d)(e), F.S
Proposal letter from coal supplier to PFC 5/11/04	1	1	n/a	§366.093(3)(d)(e), F.S
PFC Coal Producers' Solicitation Form	1	1	n/a	§366.093(3)(d)(e), F.S
Proposal letter from coal supplier to PFC 5/11/04	1	1-2	n/a	§366.093(3)(d)(e), F.S
Draft Master Coal Purchase and Sale Agreement	11	1	n/a	§366.093(3)(d)(e), F.S
Proposal letter from coal supplier to PFC 5/11/04	1	1-3	n/a	§366.093(3)(d)(e), F.S
Draft Master Coal Purchase and Sale Agreement	11	1	n/a	§366.093(3)(d)(e), F.S
PFC Coal Producers' Solicitation Form	1	1	n/a	§366.093(3)(d)(e), F.S
PFC Coal Producers' Solicitation Form	1	1	n/a	§366.093(3)(d)(e), F.S
PFC Coal Producers' Solicitation Form	1	1	n/a	§366.093(3)(d)(e), F.S
PFC Coal Producers' Solicitation Form	1	1-2	n/a	§366.093(3)(d)(e), F.S
Proposal letter from coal supplier to PFC 5/11/04	2	1-3	n/a	§366.093(3)(d)(e), F.S

PFC Coal Producers' Solicitation Form	1	1	n/a	§366.093(3) (d)(e), F.S
Coal Purchase Confirmation 10/25/04	1	1	n/a	§366.093(3) (d)(e), F.S
	2	1-2	n/a	
	3	1-3	n/a	
Internal PFC E-mail re spot barge purchases 9/14/04	1	1-3	n/a	§366.093(3) (d)(e), F.S
E-mail between PFC Corp. and supplier re Coal Purchase 9/28/04	1	1-5	n/a	§366.093(3) (d)(e), F.S
E-mail between PFC and supplier re coal purchase 9/22/04	1	1	n/a	§366.093(3) (d)(e), F.S
	2	1-4	n/a	
Notes by PFC. re prices of coal offer 9/15/04	1	1-6	n/a	§366.093(3) (d)(e), F.S
E-mail PFC and supplier re coal purchase 9/17/04	1	1-5	n/a	§366.093(3) (d)(e), F.S
E-mail between supplier and PFC re coal purchase 9/17/04	1	1-4	n/a	§366.093(3) (d)(e), F.S
coal purchase 9/17/04				§366.093(3) (d)(e), F.S
Email/Ltr from supplier to PFC re terms and conditions offer 9/13/04	3	1-2	n/a	§366.093(3) (d)(e), F.S
	5	1-7	n/a	
E-mails re Spot Barge Purchases 2005-2006 9/15/04	1	1-3	n/a	§366.093(3) (d)(e), F.S
E-mail/Notes of coal offer 8/27/04	1	1-11	n/a	§366.093(3) (d)(e), F.S
E-mail PFC and supplier re coal offer 8/27/04	1	1	n/a	§366.093(3) (d)(e), F.S
PFC Goal Evaluations – Barge 2005-06 8/26/04	1	1-11	n/a	§366.093(3) (d)(e), F.S
	2	1-12	n/a	
	3	1-7	n/a	
	4	1-5	n/a	
PFC Coal Evaluations 2005-2006	1	1-4	A-F	§366.093(3) (d)(e), F.S
E-mail between supplier and PFC regarding coal Offer 8/26/04	1	1-3	n/a	§366.093(3) (d)(e), F.S
E-mail between PFC and supplier re coal offer 8/26/04	1	1-7	n/a	§366.093(3) (d)(e), F.S
Ltr from supplier re Indication of Product Availability	1	1-2	n/a	§366.093(3) (d)(e), F.S

Ltr from supplier re Indication of Product Availability	1	1-2	n/a	§366.093(3) (d)(e), F.S
PFC. Monthly Spot Offer Analysis	1	1-17	A-G	§366.093(3) (d)(e), F.S
	1	18-21	n/a	
	2	1-9	A-G	
	2	10-11	n/a	
PFC. Monthly Spot Offer Analysis	1	1-10	n/a	§366.093(3) (d)(e), F.S
NATURAL GAS & OIL PURCHASES				
Spot Purchase Agreement 9/10/04	1	1-5	n/a	§366.093(3) (d)(e), F.S
Spot Purchase Agreement 9/13/04	1	1-5	n/a	§366.093(3) (d)(e), F.S
Spot Purchase Agreement 7/09/04	1	1-5	n/a	§366.093(3) (d)(e), F.S
Spot Purchase Agreement 7/14/04	1	1-5	n/a	§366.093(3) (d)(e), F.S
Spot Purchase Agreement 8/17/04	1	1-5	n/a	§366.093(3) (d)(e), F.S
Spot Purchase Agreement 6/04/04	1	1-4	n/a	§366.093(3) (d)(e), F.S
Spot Purchase Agreement 6/28/04	1	1-4	n/a	§366.093(3) (d)(e), F.S
Spot Purchase Agreement 8/17/04	1	1-5	n/a	§366.093(3) (d)(e), F.S
Spot Purchase Agreement 9/13/04	1	1-4	n/a	§366.093(3) (d)(e), F.S
Spot Purchase Agreement 10/01/04	1	1-6	n/a	§366.093(3) (d)(e), F.S
Spot Purchase Agreement 9/15/04	1	1-5	n/a	§366.093(3) (d)(e), F.S
Spot Purchase Agreement 9/15/04	1	1-5	n/a	§366.093(3) (d)(e), F.S
Spot Purchase Agreement 5/24/04	1	1-5	n/a	§366.093(3) (d)(e), F.S
Spot Purchase Agreement 7/06/04	1	1-4	n/a	§366.093(3) (d)(e), F.S
Spot Purchase Agreement 5/24/04	1	1-5	n/a	§366.093(3) (d)(e), F.S
Spot Purchase Agreement 5/24/04	1	1-5	n/a	§366.093(3) (d)(e), F.S

Spot Purchase Agreement 7/16/04	1	1-5	n/a	§366.093(3) (d)(e), F.S
Spot Purchase Agreement 9/01/04	1	1-5	n/a	§366.093(3) (d)(e), F.S
Spot Purchase Agreement 9/13/04	1	1-5	n/a	§366.093(3) (d)(e), F.S
Spot Purchase Agreement 9/02/04	1	1-6	n/a	§366.093(3) (d)(e), F.S
Spot Purchase Agreement 6/04/04	1	1-5	n/a	§366.093(3) (d)(e), F.S
Spot Purchase Agreement 6/22/04	1	1-6	n/a	§366.093(3) (d)(e), F.S
Spot Purchase Agreement 6/29/04	1	1-6	n/a	§366.093(3) (d)(e), F.S
Spot Purchase Agreement 7/09/04	1	1-4	n/a	§366.093(3) (d)(e), F.S
Spot Purchase Agreement 9/27/04	1	1-4	n/a	§366.093(3) (d)(e), F.S
Spot Purchase Agreement 7/16/04	1	1-5	n/a	§366.093(3) (d)(e), F.S
Spot Purchase Agreement 7/09/04	1	1-5	n/a	§366.093(3) (d)(e), F.S
Revision to Agreement 10/26/04	1	1-7	n/a	§366.093(3) (d)(e), F.S
	2	1-4	n/a	confid'l banking info – see Order No. PSC -03- 1421-CFO-EI
	2	5-6	n/a	§366.093(3) (d)(e), F.S
Agreement Confirmation 10/01/04	1	1-6	n/a	§366.093(3) (d)(e), F.S
	2	1-4	n/a	confid'l banking info – see Order No. PSC -03- 1421-CFO-EI
	2	5	n/a	§366.093(3) (d)(e), F.S
E-mail supplier re term details 6/29/04	1	1-10	n/a	§366.093(3) (d)(e), F.S

Ltr from freight carrier re terms of agreement 9/14/04	1	1-5	n/a	§366.093(3) (d)(e), F.S
Agreement confirmation 08/03/04	1	1-8	n/a	§366.093(3) (d)(e), F.S
	2	1-4	n/a	confid'l banking info – see Order No. PSC -03- 1421-CFO-EI
Agreement confirmation 07/01/04	1	1-9	n/a	§366.093(3) (d)(e), F.S
	2	1-4	n/a	confid'l banking info – see Order No. PSC -03- 1421-CFO-EI
	2	5		§366.093(3) (d)(e), F.S
Letter Agreement for oil sale 6/25/04	1	1-10	n/a	§366.093(3) (d)(e), F.S
No. 2 Fuel Oil Sales Contract 12/31/03	1	1	n/a	§366.093(3) (d)(e), F.S
	3	1-2	n/a	
	7	1-3	n/a	
	10	1	n/a	
	14	1-8	n/a	
	Exh.D, p.23	1-8	A-E	
	Exh. E, p.24	1-21	A	
Notes of internal evaluation of RFP responses	1	1-11	n/a	§366.093(3) (d)(e), F.S
Response to RFPs for No.2 Oil	2	1-3	n/a	§366.093(3) (d)(e), F.S
	3	1-6	n/a	
	4	1-9	n/a	
	5	1-7	n/a	
Response to RFPs for No.2 Oil	1	1	n/a	§366.093(3) (d)(e), F.S
	2	1-3	n/a	
	3	1	n/a	
	7	1-8	A-H	
	8	1-8	n/a	
	3	1-21	A-C	
Response to RFPs for No.2 Oil	2	1	n/a	§366.093(3) (d)(e), F.S
		2-9	A-H	
		1-8	n/a	
	4	1-3	n/a	

	5	1	n/a	
	10	1-21	A-C	
Response to RFPs for No.2 Oil	6	1-4	n/a	§366.093(3) (d)(e), F.S
	8	1-3	n/a	
Response to RFP for No.2 Oil	3	1-16	n/a	§366.093(3) (d)(e), F.S
	4	1-7	n/a	
	1	1-11	n/a	
	2	1-9	n/a	
	3	1-11	n/a	
	13	1-4	n/a	
Response to RFP's for No. 2 Oil	7	1-5	n/a	§366.093(3) (d)(e), F.S
	8	1	n/a	
	21	1-5	n/a	
	22	1	n/a	
Response to RFP's for No. 2 Oil	2	1-8	n/a	§366.093(3) (d)(e), F.S
	3	1-3	n/a	
Gas Trading & Logistics Trade Ticket	1	1-7	n/a	§366.093(3) (d)(e), F.S
	2	1-21	n/a	
	3	ALL	n/a	
	4	ALL	n/a	
	5	ALL	n/a	
Gas Trading & Logistics Trade Ticket	1	1-7	n/a	§366.093(3) (d)(e), F.S
	2	1-20	n/a	
Gas Trading & Logistics Trade Ticket	1	1-8	n/a	§366.093(3) (d)(e), F.S
	2	1-22	n/a	
Gas Trading & Logistics Trade Ticket	1	1-8	n/a	§366.093(3) (d)(e), F.S
	2	1-24	n/a	
E-mails with supplier re Annual Short-Term RFP 01/06/04 and 12/16/04	1	1-12	n/a	§366.093(3) (d)(e), F.S
	2	1-6	n/a	
	3	1-6	n/a	
Correspondence from gas supplier re price quotes for RFP dated 12/3/03	3	1-41	n/a	§366.093(3) (d)(e), F.S
	4	1-40	n/a	
E-mail from supplier re: RFP Response 12/16/03	1	1-10	n/a	§366.093(3) (d)(e), F.S
	2	1-9	n/a	
E-mail from supplier re: response to RFP 12/12/03	1	1	n/a	§366.093(3) (d)(e), F.S
	2	1-11	n/a	
	3	1-13	n/a	

E-mail from supplier re: RFP 12/17/03	2	1-20	n/a	§366.093(3) (d)(e), F.S
	3	1-19	n/a	
Letter from supplier w/ attached bid proposals 12/16/03	2	1-28	n/a	§366.093(3) (d)(e), F.S
RFP Response 12/16/03	3	1-15	n/a	§366.093(3) (d)(e), F.S
RFP Response 12/16/03	1	1-3	n/a	§366.093(3) (d)(e), F.S
	2	1-22	n/a	
	3	1-2	n/a	
RFP Response 12/16/03	2	1-12	n/a	§366.093(3) (d)(e), F.S
	4	1-12	n/a	
RFP Response 12/18/03	2	1-12	n/a	§366.093(3) (d)(e), F.S
	3	1-3	n/a	
	4	1-30	n/a	
	5	1-18	n/a	
	6	1-13	n/a	
	7	1-24	n/a	
	8	1-19	n/a	
	9	1-13	n/a	
RFP Response 12/15/03	1	1-5	n/a	§366.093(3) (d)(e), F.S
	2	1-33	n/a	
	3	1-31	n/a	
	4	1-27	n/a	
	5	1-32	n/a	
	6	1-32	n/a	
	7	1-22	n/a	

PEF contends that this information contains confidential information regarding bids and other contractual data, such as pricing, the disclosure of which would impair the efforts of PEF or its affiliates to negotiate fuel supply contracts on favorable terms. PEF asserts that this information also relates to the competitive interests of PEF and its fuel suppliers, the disclosure of which would impair their competitive businesses. According to PEF, some of the information includes bank account information which PEF and its counter-parties routinely protect for each other. PEF contends that confidentiality of such information is an important matter of commercial security because publication of bank account information could facilitate unauthorized access to those accounts and other abuses.

Upon review, it appears that the above-referenced information contained in PEF's response to Staff's Fourth Request for Production of Documents, Nos. 8-10, satisfies the criteria set forth in Section 366.093(3), Florida Statutes, for classification as proprietary confidential business information and, thus, shall be treated as confidential. The information constitutes "[i]nformation 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," "[i]nformation relating to competitive interests, the disclosure of which would impair the

competitive business of the provider of the information,” or information that if disclosed could cause harm. Thus, this information is granted confidential classification.

Pursuant to Section 366.093(4), Florida Statutes, the information for which confidential classification is granted herein shall remain protected from disclosure for a period of 18 months from the date of issuance of this order. At the conclusion of the 18 month period, the confidential information will no longer be exempt from Section 119.07(1), Florida Statutes, unless PEF or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.


Based on the foregoing, it is

ORDERED by Commissioner Rudolph “Rudy” Bradley, as Prehearing Officer, that Progress Energy Florida, Inc.’s Request for Confidential Classification of Document No. 01001-05 is granted. It is further

ORDERED that the information in Document No. 01001-05 for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of issuance of this order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this 21st day of February, 2005.


RUDOLPH "RUDY" BRADLEY
Commissioner and Prehearing Officer

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.