

BEFORE THE PUBLIC SERVICE COMMISSION

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

DOCKET NO. 060001-EI
ORDER NO. PSC-06-0640-CFO-EI
ISSUED: July 28, 2006

ORDER GRANTING PROGRESS ENERGY FLORIDA INC'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 02870-06)

On March 31, 2006, 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 for certain information provided in response to Office of Public Counsel's ("OPC") First Request for Production of Documents (Document No. 02870-06).

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 "[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 information contained in its responses to OPC's First Request for Production (Nos. 1, 2, 6, 7, 8, 12, and 14) 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.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

PEF requests that the following information be granted confidential classification:

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>PEF's Response to OPC's First Request for Production, Question No. 1.</p>	<p>Bates No. PEF-FUEL-000096; Coal confirmation letter from COALTRADE; price of coal in column 2.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 1.</p>	<p>Bates No. PEF-FUEL-000098; special provisions at top of page listing price, transportation cost, and total cost.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 2.</p>	<p>Bates No. PEF-FUEL-000120; columns 2 & 3 of table listing price of coal and delivery costs.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 2.</p>	<p>Bates No. PEF-FUEL-000122; columns 2 & 3 of table listing price of coal and delivery costs.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 2.</p>	<p>Bates No. PEF-FUEL-000125; price of coal for 2005-2006 coal purchases from Drummond delivered by foreign water.</p> <p>Price of coal for 2005-2006 coal purchases from Central Coal Company delivered by domestic water.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 2.</p>	<p>Bates No. PEF-FUEL-000126; 2005-2006 price of delta coal purchased from Massey Energy delivered by domestic rail.</p> <p>2005-2006 price of alpha coal purchased from Massey Energy and B&W Resources delivered by domestic rail.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 2.</p>	<p>Bates No. PEF-FUEL-000128; "Attachment A" Purchases from 2005-2006 RFP corrected copy for CR units 1,2,4&5; last four columns of table listing cash costs and evaluated utilized costs. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 2.</p>	<p>Bates No. PEF-FUEL-000129; "Attachment A" Purchases from 2005-2006 RFP for CR units 1,2,4&5; last four columns of table listing cash costs and evaluated utilized costs. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 2.</p>	<p>Bates No. PEF-FUEL-000134; "Attachment C" 2005-2006 purchases for CR units 1,2,4&5; last four columns of table listing cash costs and evaluated utilized costs. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 2.</p>	<p>Bates No. PEF-FUEL-000135; "Workpapers Only" – May 2004 Solicitation – All bids for CR units 4&5; all prices listed in columns 5, 7, 9 & 11; costs listed in last four columns of table. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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PEF's Response to OPC's First Request for Production, Question No. 2.	Bates No. PEF-FUEL-000136; "Workpapers Only" – May 2004 Solicitation – All bids for CR units 1&2; all costs listed in last four columns of table. SO2 Price at bottom of table.	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
PEF's Response to OPC's First Request for Production, Question No. 2.	Bates No. PEF-FUEL-000137; May 2004 Solicitation Purchases for CR units 1,2,4&5; all prices listed in columns 6, 8, 10, 11 & 12; costs listed in columns 20, 22-25 of table. SO2 Price at bottom of table.	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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PEF's Response to OPC's First Request for Production, Question No. 2.	Bates No. PEF-FUEL-000140; May 2004 Solicitation Purchases for CR units 1,2,4&5; all prices listed in columns 6, 8, 10, 11 & 12; costs listed in columns 20, 22-25 of table. SO2 Price at bottom of table.	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
PEF's Response to OPC's First Request for Production, Question No. 2.	Bates No. PEF-FUEL-000141; May 2004 Solicitation – All bids by Rail/Water for CR units 4&5; all prices listed in columns 5, 7, 9, 11 & 13; all costs listed in columns 14, 15, 23, 25-28 of table. SO2 Price at bottom of table.	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 2.</p>	<p>Bates No. PEF-FUEL-000142; May 2004 Solicitation – Rail Bids for CR units 1&2; all prices listed in columns 5, 7, 9, 11 & 13; all costs listed in columns 14, 15, 23, 25-28 of table. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 2.</p>	<p>Bates No. PEF-FUEL-000143; May 2004 Solicitation – All Bids for CR units 1&2; all prices listed in columns 5, 7, 9, 11 & 13; all costs listed in columns 14, 15, 23, 25-28 of table. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 2.</p>	<p>Bates No. PEF-FUEL-000144; May 2004 Solicitation – All Bids for CR units 4&5; all prices listed in columns 5, 7, 9, 11 & 13; all costs listed in columns 14, 15, 23, 25-28 of table. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 6.</p>	<p>Bates No. PEF-FUEL-000359; page 3 of Arch Coal Sales bid; bid prices to supply coal for 2005, 2006, & 2007.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 6.</p>	<p>Bates No. PEF-FUEL-000369; Email from Rolando Sanz-Guerrero to Al Pitcher summarizing bid from DTE Coal Services. The two asterisk paragraphs contain pricing of the coal and transportation.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 6.</p>	<p>Bates No. PEF-FUEL-000370; Email from Rolando Sanz-Guerrero to Al Pitcher summarizing bid from DTE Coal Services. The first asterisk paragraph contains pricing of the coal and transportation.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 6.</p>	<p>Bates No. PEF-FUEL-000372; Coal Supply and Transportation Proposal (FOB Barge) of DTE Coal Services; two proposal prices in paragraph 7.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 6.</p>	<p>Bates No. PEF-FUEL-000376; Coal Transportation Supply Proposal (FOB Barge) of DTE Coal Services; three transportation prices and one storage fee price in paragraph 6.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 6.</p>	<p>Bates No. PEF-FUEL-000378; Coal Transportation Supply Proposal (FOB Cora Terminal) of DTE Coal Services; one transportation price in paragraph 6.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 6.</p>	<p>Bates No. PEF-FUEL-000381; Oxbow Mining LLC's proposal to supply coal; 2005-2008 prices provided in column 3.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 6.</p>	<p>Bates No. PEF-FUEL-000389; proposal from Peabody COALSALES Company; price of coal for the years 2005-2007 in column 3.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 6.</p>	<p>Bates No. PEF-FUEL-000396; Triton Coal Company bid for coal; mid-page column 3 provides base price for coal.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 6.</p>	<p>Bates No. PEF-FUEL-000398; Triton Coal Company bid for coal; mid-page column 3 provides base price for coal.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 6.</p>	<p>Bates No. PEF-FUEL-000399; Triton Coal Company bid for coal; mid-page column 3 provides base price for coal.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 6.</p>	<p>Bates No. PEF-FUEL-000405; Kennecott Energy Company bid for coal; mid-page column 3 provides base price for coal. Lower mid-page provides transportation component.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 6.</p>	<p>Bates No. PEF-FUEL-000443; Kennecott Energy Company bid for coal; mid-page column 3 provides base price for coal for the years 2005-2007.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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PEF's Response to OPC's First Request for Production, Question No. 7.	Bates No. PEF-FUEL-000477; Spreadsheet model of CR Units 1,2,4 & 5 May 2004 Solicitation Purchases; all prices listed in columns 6, 8, 10, 11 & 12; cash costs and utilization costs listed in columns 20, 22-25 of table. SO2 Price at bottom of table.	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
PEF's Response to OPC's First Request for Production, Question No. 7.	Bates No. PEF-FUEL-000478; Spreadsheet model of CR Units 4&5 May 2004 Solicitation – All bids by rail/water; all prices listed in columns 5, 7, 9, 11, 13-15; cash costs and utilization costs listed in columns 23-30 & 38-41 of table. SO2 Price at bottom of table.	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 7.</p>	<p>Bates No. PEF-FUEL-000479; Spreadsheet model of CR Units 1&2 May 2004 Solicitation – Rail bids; all prices listed in columns 5, 7, 9, 11, 14-15; cash costs and utilization costs listed in columns 23-30 & 38-41 of table. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 7.</p>	<p>Bates No. PEF-FUEL-000480; Spreadsheet model of CR Units 1&2 May 2004 Solicitation – All bids; all prices listed in columns 5, 7, 9, 11, 14-15; cash costs and utilization costs listed in columns 23 & 25-28 of table. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 7.</p>	<p>Bates No. PEF-FUEL-000481; Spreadsheet model of CR Units 4&5 May 2004 Solicitation – All bids; all prices listed in columns 5, 7, 9, 11, 13-15; cash costs and utilization costs listed in columns 23-30 & 32-35 of table. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 8.</p>	<p>Bates No. PEF-FUEL-000482; revised spreadsheet model of CR Units 1, 2, 4&5 May 2004 Solicitation – Purchases; all prices listed in columns 6, 8, 10-12; cash costs and utilization costs listed in columns 20 & 22-25 of table. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 8.</p>	<p>Bates No. PEF-FUEL-000483; Revised spreadsheet model of CR Units 1&2 May 2004 Solicitation –All bids; all prices listed in columns 5, 7, 9, 11, 14-15; cash costs and utilization costs listed in columns 23 & 25-28 of table. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 8.</p>	<p>Bates No. PEF-FUEL-000484; Revised spreadsheet model of CR Units 1&2 May 2004 Solicitation –Rail bids; all prices listed in columns 5, 7, 9, 11, 14-15; cash costs and utilization costs listed in columns 23 & 25-28 of table. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 8.</p>	<p>Bates No. PEF-FUEL-000485; Revised spreadsheet model of CR Units 4&5 May 2004 Solicitation –All bids; all prices listed in columns 5, 7, 9, 11, 13-15; cash costs and utilization costs listed in columns 23 & 25-28 of table. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 8.</p>	<p>Bates No. PEF-FUEL-000486; Revised spreadsheet model of CR Units 4&5 May 2004 Solicitation –All bids by rail/water; all prices listed in columns 5, 7, 9, 11, 13-15; cash costs and utilization costs listed in columns 23 & 25-28 of table. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 8.</p>	<p>Bates No. PEF-FUEL-000487; Revised spreadsheet model of CR Units 1&2 May 2004 Solicitation –All bids; all prices listed in columns 5, 7, 9, 11, 13-15; cash costs and utilization costs listed in columns 23 & 25-28 of table. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 8.</p>	<p>Bates No. PEF-FUEL-000488; Revised spreadsheet model of CR Units 1&2 May 2004 Solicitation –All bids by rail/water; all prices listed in columns 5, 7, 9, 11, 14-15; cash costs and utilization costs listed in columns 23 & 25-28 of table. All handwritten corrections to prices and costs. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 8.</p>	<p>Bates No. PEF-FUEL-000489; Revised spreadsheet model of CR Units 1&2 May 2004 Solicitation –All bids; all prices listed in columns 5, 7, 9, 11, 14-15; cash costs and utilization costs listed in columns 23 & 25-28 of table. All handwritten notes & corrections to prices and costs. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 8.</p>	<p>Bates No. PEF-FUEL-000490; Revised spreadsheet model of CR Units 1&2 May 2004 Solicitation –All bids by rail/water; all prices listed in columns 5, 7, 9, 11, 14-15; cash costs and utilization costs listed in columns 23 & 25-28 of table. All handwritten notes & corrections to prices and costs. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 8.</p>	<p>Bates No. PEF-FUEL-000491; Revised spreadsheet model of CR Units 1&2 May 2004 Solicitation –All bids; all prices listed in columns 5, 7, 9, 11, 14-15; cash costs and utilization costs listed in columns 23 & 25-28 of table. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 8.</p>	<p>Bates No. PEF-FUEL-000492; Revised spreadsheet model of CR Units 1&2 May 2004 Solicitation –Short List – 1 year bids; all prices listed in columns 5, 7, 8, &9; cash costs and utilization costs listed in columns 17 & 19-22 of table. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 8.</p>	<p>Bates No. PEF-FUEL-000493; Revised spreadsheet model of CR Units 1&2 May 2004 Solicitation –Short list – 1 year bids; all prices listed in columns 5, 7, 8, & 9; cash costs and utilization costs listed in columns 17 & 19-22 of table. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 8.</p>	<p>Bates No. PEF-FUEL-000494; Revised spreadsheet model of CR Units 4&5 May 2004 Solicitation –All bids by rail/water; all prices listed in columns 5, 7, 9, 11, 13-15; cash costs and utilization costs listed in columns 23 & 25-28 of table. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 8.</p>	<p>Bates No. PEF-FUEL-000495; Revised spreadsheet model of CR Units 4&5 May 2004 Solicitation –All bids; all prices listed in columns 5, 7, 9, 11, 13-15; cash costs and utilization costs listed in columns 23 & 25-28 of table. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 8.</p>	<p>Bates No. PEF-FUEL-000496; Revised spreadsheet model of CR Units 4&5 May 2004 Solicitation –All bids by rail/water; all prices listed in columns 5, 7, 9, 11, 13-15; cash costs and utilization costs listed in columns 23 & 25-28 of table. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 8.</p>	<p>Bates No. PEF-FUEL-000497; Revised spreadsheet model of CR Units 4&5 May 2004 Solicitation – Short List; all prices listed in columns 5, 7, 8, & 9; cash costs and utilization costs listed in columns 17 & 19-22 of table. All handwritten notes & corrections to prices and costs. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 8.</p>	<p>Bates No. PEF-FUEL-000498; Revised spreadsheet model of CR Units 4&5 May 2004 Solicitation –All bids by rail/water; all prices listed in columns 5, 7, 9, 11, 13-15; cash costs and utilization costs listed in columns 23 & 25-28 of table. All handwritten notes & corrections to prices and costs. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 8.</p>	<p>Bates No. PEF-FUEL-000499; Revised spreadsheet model of CR Units 4&5 May 2004 Solicitation –All bids; all prices listed in columns 5, 7, 9, 11, 13-15; cash costs and utilization costs listed in columns 23 & 25-28 of table. SO2 Price at bottom of table.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000541-542; two emails from Al Pitcher to Sasha Weintraub dated August 2, 2005 & August 5, 2005. On page 1 of these emails there are 15 references to coal prices. On page 2 of the emails there are 2 references to coal prices.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000543; 8/4/2005 Spreadsheet of Guasare Reopener Offer Analysis for CR 4&5, 3rd quarter 2005; prices & costs listed in columns 6, 8-11, 19, 21-24; prices within handwritten notes.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000544; 8/2/2005 Spreadsheet of Guasare Reopener Offer Analysis for CR 4&5, 3rd quarter 2005; prices & costs listed in columns 6, 8-11, 19, 21-24.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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PEF's Response to OPC's First Request for Production, Question No. 12.	Bates No. PEF-FUEL-000545; 8/1/2005 Spreadsheet of Guasare Reopener Offer Analysis for CR 4&5, 3 rd quarter 2005; prices & costs listed in columns 6, 8-11, 19, 21-24.	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
PEF's Response to OPC's First Request for Production, Question No. 12.	Bates No. PEF-FUEL-000546; 7/29/2005 Spreadsheet of Guasare Reopener Offer Analysis for CR 4&5, 3 rd quarter 2005; prices & costs listed in columns 6, 8-11, 19, 21-24; prices within handwritten notes.	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000547; Email confirmation page of letter sent to Andrew Lawson dated August 9, 2005; middle of page reflects price of coal.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000548-549; body of confidential email sent from Al Pitcher to Sasha Weintraub on August 2, 2005; 6 coal prices referenced in paragraphs 1 & 2; next to the last paragraph also reflects two coal prices.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000550; email sent from Al Pitcher to Sasha Weintraub on August 2, 2005; 6 coal prices referenced in paragraphs 1 & 2; the last paragraph also reflects two coal prices.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No.12.</p>	<p>Bates No. PEF-FUEL-000552; letter agreement for purchase and sale of coal dated September 12, 2005; Price of coal mentioned mid-page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000555; page 2 of 9/9/05 draft coal purchase confirmation; contract price listed mid-page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000559; page 6 of 9/9/05 draft coal purchase confirmation; numbered paragraphs 2 & 3 provide price adjustment calculations of coal.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000584; draft coal purchase confirmation; contract price paragraph provides price of coal.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000588; draft coal purchase confirmation; numbered paragraphs 2 & 3 provide price adjustment calculations of coal.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000610; Paso Diablo coal purchase letter; price paragraph provides price of coal.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000612; letter to Eladio Bueno of Guasare Coal International; price paragraph provides price of coal.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000613; email sent from Al Pitcher to Sasha Weintraub on August 5, 2005 reveals eight coal prices; August 2, 2005 email reveals two coal prices in paragraph 1 & four coal prices in paragraph 2.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000614; page 2 of email sent from Al Pitcher to Sasha Weintraub on August 2, 2005; next to the last paragraph reflects two coal prices.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000615; 8/4/2005 Spreadsheet of Guasare Reopener Offer Analysis for CR 4&5, 3rd quarter 2005; coal prices & costs listed in columns 6, 8-11, 19, 21-24; 3 coal prices within handwritten notes.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000616; 8/2/2005 Spreadsheet of Guasare Reopener Offer Analysis for CR 4&5, 3rd quarter 2005; coal prices & costs listed in columns 6, 8-11, 19, 21-24;</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000617; 8/1/2005 Spreadsheet of Guasare Reopener Offer Analysis for CR 4&5, 3rd quarter 2005; coal prices & costs listed in columns 6, 8-11, 19, 21-24;</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000618; 7/29/2005 Spreadsheet of Guasare Reopener Offer Analysis for CR 4&5, 3rd quarter 2005; coal prices & costs listed in columns 6, 8-11, 19, 21-24; 12 coal prices within handwritten notes.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000621; 8/18/2005 letter to Mr. Eladio Bueno at Guasare Coal; price of coal under bulleted price paragraph.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000623; 8/18/2005 letter to Mr. Eladio Bueno at Guasare Coal; price of coal under bulleted price paragraph.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000624; Email dated 8/11/2005 to Eladio Bueno; price of coal in numbered paragraph 2.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000626; Email dated 8/10/2005 to Eladio Bueno; price of coal in numbered paragraph 2.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000628; Email dated 8/11/2005 to Eladio Bueno; price of coal in numbered paragraph 2.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000630; Email dated 8/11/2005 to Eladio Bueno; price of coal in numbered paragraph 2.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000631; Email dated 8/10/2005 to Eladio Bueno; price of coal in numbered paragraph 2 and handwritten price of coal at top of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000634; Email dated 7/21/2005 from Eladio Bueno to Al Pitcher; price of coal in lettered paragraphs a & b.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000635; page 2 of Email from Eladio Bueno to Al Pitcher dated 7/20/2005; price of coal in numbered paragraph 2 and in handwriting on side of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000637; page 2 of Email from Eladio Bueno to Al Pitcher dated 7/20/2005; price of coal in numbered paragraph 2.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000638; Email from Eladio Bueno to Al Pitcher dated 7/20/2005; price of coal in numbered paragraph 2.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000639; Email from Eladio Bueno to Al Pitcher dated 7/20/2005; price of coal in numbered paragraph 2.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000641; Email from Eladio Bueno to Al Pitcher dated 7/20/2005; price of coal in numbered paragraph 2 and in handwriting near bottom of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000642; Email from Eladio Bueno to Al Pitcher dated 7/21/2005; price of coal in lettered paragraphs a & b.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000643; Email from Eladio Bueno to Al Pitcher dated 7/20/2005; price of coal in numbered paragraph 2.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000645; spreadsheet titled Guasare (2)Coal 2005; price of coal listed 19 times.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000646; Invoice from Guasare Coal dated 6/29/2005; price of coal listed six times.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000647; document titled Response to GCI regarding price re-opener; price of coal listed in 2nd paragraph.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000648; letter to Mr. Eladio Bueno dated 8/5/2005; price of coal in bulleted price paragraph.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000650; draft of Coal purchase confirmation; price of coal at bottom of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000669; draft of Coal purchase confirmation; price of coal at bottom of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000686; draft of Coal purchase confirmation; price of coal at bottom of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000704; Glencore bid dated 7/22/2005; price of coal listed at bottom of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000707; Glencore bid dated 7/22/2005; price of coal listed at bottom of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000710; Email from Andrew Lawson to Al Pitcher dated 7/26/2005; price of coal listed 3 times mid-page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000727; letter to Andrew Lawson dated 8/9/2005; price of coal under bulleted price paragraph.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000734; letter to Andrew Lawson dated 8/9/2005; price of coal under bulleted price paragraph.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000746; letter to Andrew Lawson dated 8/9/2005; price of coal under bulleted price paragraph.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000748; letter to Andrew Lawson dated 8/5/2005; price of coal under bulleted price paragraph</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000750; document titled Response to Glencore regarding price re-opener; price of coal in 2nd paragraph.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000755; Email from Andrew Lawson to Al Pitcher dated 8/4/2005; price of coal at bottom of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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PEF's Response to OPC's First Request for Production, Question No. 12.	Bates No. PEF-FUEL-000756; 2 nd page of Email from Andrew Lawson to Al Pitcher dated 8/4/2005; price of coal twice at top of page.	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
PEF's Response to OPC's First Request for Production, Question No. 12.	Bates No. PEF-FUEL-000766; Coal Marketing Company bid dated 7/26/2005; price of coal listed near bottom of page.	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000774; Coal Marketing Company bid dated 7/26/2005; price of coal listed near bottom of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000775; Coal Marketing Company bid dated 7/26/2005; price of coal listed twice at top of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000779; Email from Dennis Steul to Al Pitcher dated 7/29/2005; coal price listed near mid-page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-000900; spreadsheet of coal contracts; column 4; price of coal.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-000901; amendment to contract with B&W Resources; price of coal mid-page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-000907; agreement for sale and purchase of coal between Progress Fuels Corp. and B&W Resources; price of coal near bottom of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-000911; agreement for sale and purchase of coal between Progress Fuels Corp. and B&W Resources; price of coal near bottom of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-000912; agreement for sale and purchase of coal between Progress Fuels Corp. and B&W Resources; price of coal mid-page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-000928; Appendix B to agreement for sale and purchase of coal between Progress Fuels Corp. and B&W Resources; price of coal listed three times mid-page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-000929; Amendment to coal purchase confirmation between Progress Fuels Corp. and Coal Marketing Company; price of coal listed in numbered paragraph 1 and in handwritten note on side of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-000933; Coal Purchase Confirmation with Coal Marketing Company; coal price listed mid-page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-000934; Coal Purchase Confirmation with Coal Marketing Company; coal price listed near bottom of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-000935; Coal Purchase Confirmation with Coal Marketing Company; coal price listed twice near top of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-000948; First Amendment to Coal Sales Agreement with Massey Coal Sales Co.; price of coal listed 3 times in numbered paragraph 4 and twice in handwritten notes.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-000950; Amendment to Agreement for Sale and Purchase of Coal between Progress Fuels Corp. and Massey Utility Sales Co.; price of coal listed twice in numbered paragraph 2.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-000955; Coal Sales Agreement between Electric Fuels Corp. and Massey Coal Sales Co.; price of coal listed twice near bottom of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-000956; Coal Sales Agreement between Electric Fuels Corp. and Massey Coal Sales Co.; price of coal listed at top of page</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-000959; Coal Sales Agreement between Electric Fuels Corp. and Massey Coal Sales Co.; price of coal listed near bottom of page</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-000974; Appendix A to Coal Sales Agreement between Electric Fuels Corp. and Massey Coal Sales Co.; price of coal listed three times mid-page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-000975; First Amendment for the Sale and Purchase of Coal between Electric Fuels Corp. and Massey Coal Sales Co.; price of coal listed twice mid-page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

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<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-000976; Second Amendment for the Sale and Purchase of Coal between Electric Fuels Corp. and Massey Coal Sales Co.; price of coal listed near bottom of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 12.</p>	<p>Bates No. PEF-FUEL-000977; Second Amendment for the Sale and Purchase of Coal between Electric Fuels Corp. and Massey Coal Sales Co.; price of coal listed mid-page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-000978; Second Amendment for the Sale and Purchase of Coal between Electric Fuels Corp. and Massey Coal Sales Co.; price of coal listed near top of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-000979; letter to John R. Parker at Massey Coal Sales Co. dated 9/8/2003; price of coal listed twice in third bulleted paragraph; price of coal also in handwritten notation.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-000980; letter to John R. Parker at Massey Coal Sales Co. dated 4/7/2005; price of coal listed three times in lower half of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-000982; Attachment 1 to letter addressed to John R. Parker at Massey Coal Sales Co. dated 4/7/2005; contract price listed 3 times near top of table; coal prices listed 8 times mid-page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-000983; Amendment to Agreement for Sale and Purchase of Coal between Progress Fuels Corp. and Massey Utility Sales Co.; price of coal listed in numbered paragraph 2.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-000989; Agreement between Electric Fuels Corp. and Massey Coal Sales Co.; price of coal listed near bottom of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-001009; Appendix B to Agreement between Electric Fuels Corp. and Massey Coal Sales Co.; price of coal listed four times mid-page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-001013; letter to Joseph B. Jefferson at Progress Fuels Corp. dated 2/3/2005; price of coal listed twice in second paragraph of letter.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-001015; letter to Brett Phipps at Progress Fuels Corp. dated 2/14/2005; price of fuel listed in paragraph 2.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-001023; Agreement for the Sale & Purchase of Coal between Progress Fuels Corp. and Progress Fuels Corp. on its own behalf and as agent for Kanawha River Terminals; price of coal listed near bottom of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-001047; Appendix B to Agreement for the Sale & Purchase of Coal between Progress Fuels Corp. and Progress Fuels Corp. on its own behalf and as agent for Kanawha River Terminals; price of coal listed at top of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-001055; Agreement for the Sale & Purchase of Coal between Progress Fuels Corp. and Progress Fuels Corp. on its own behalf and as agent for Diamond May Coal; price of coal listed near top of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-001059; Agreement for the Sale & Purchase of Coal between Progress Fuels Corp. and Progress Fuels Corp. on its own behalf and as agent for Diamond May Coal; price of coal listed in first and third paragraphs.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-001079; Appendix B to Agreement for the Sale & Purchase of Coal between Progress Fuels Corp. and Progress Fuels Corp. on its own behalf and as agent for Diamond May Coal; price of coal listed three times in upper half of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-001086; Agreement for the Sale & Purchase of Coal between Progress Fuels Corp. and Sequoia Energy, LLC; price of coal listed near bottom of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-001090; Agreement for the Sale & Purchase of Coal between Progress Fuels Corp. and Sequoia Energy, LLC; price of coal listed near bottom of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>PEF's Response to OPC's First Request for Production, Question No. 14.</p>	<p>Bates No. PEF-FUEL-001108; Appendix B to Agreement for the Sale & Purchase of Coal between Progress Fuels Corp. and Sequoia Energy, LLC; price of coal listed three times in upper half of page.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

PEF contends that the information listed in the table above contains information about the pricing of coal pursuant to confidential contracts negotiated by and between PEF and certain energy providers. According to PEF, the information also concerns other contractual data, the disclosure of which would impair the efforts of PEF to contract for goods and services on favorable terms. PEF further asserts that disclosure of this information would impair its competitive business.

Upon review, it appears that the above-referenced information contained in PEF's responses to OPC's First Request for Production (Nos. 1, 2, 6, 7, 8, 12, and 14) 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" and "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." 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.

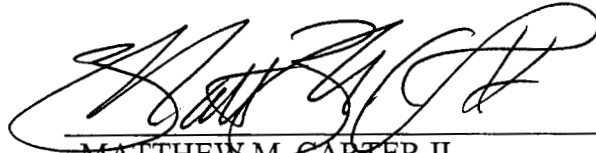
Based on the foregoing, it is

ORDERED by Commissioner Matthew M. Carter II, as Prehearing Officer, that Progress Energy Florida Inc.'s Request for Confidential Classification of Document No. 02870-06 is granted. It is further

ORDERED that the information in Document No. 02870-06 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 Matthew M. Carter II, as Prehearing Officer, this 28th
day of July, 2006.



MATTHEW M. CARTER II
Commissioner and Prehearing Officer

(S E A L)

LCB/pz

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.