

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-06-0828-CFO-EI  
ISSUED: October 6, 2006

ORDER GRANTING IN PART AND DENYING IN PART  
PROGRESS ENERGY FLORIDA, INC.'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
(DOCUMENT NO. 04566-06)

On June 15, 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 of portions of its response to Office of Public Counsel's (OPC) Second Request for Production of Documents (Nos. 15-23) (Document No. 04566-06).

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 "[t]rade secrets" (subsection a); "[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms" (subsection d); and "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information" (subsection e).

PEF contends that portions of its response to Request Nos. 15, 18, 19, 20, 21, and 22 of OPC's Second Request for Production of Documents falls within these categories and thus constitutes proprietary confidential business information entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. PEF states that this information is intended to be and is treated by PEF as private and has not been publicly disclosed.

DOCUMENT NUMBER-DATE

09251 OCT-6 8

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 Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002516; Coal Producers' Solicitation Form for Crystal River 1 &amp; 2 submitted by B&amp;W Resources, Inc.; price of coal in column 3 – 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 Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002519; ; Coal Producers' Solicitation Form for Crystal River 1 &amp; 2 submitted by Sequoia Energy, LLC/Black Gold, LLC; two prices of coal in column 3 – 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 Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002522; handwritten notes listing two prices of coal 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>
<p>PEF's Response to OPC's Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002523; ; Coal Producers' Solicitation Form for Crystal River 1 &amp; 2 submitted by Central Appalachia Mining, LLC; price of coal in column 3 – 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 Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002530; Coal Producers' Solicitation Form for Crystal River 1 &amp; 2 submitted by Central Coal Company; price of coal in column 3 – 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 Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002534; four prices of coal submitted by Coal Marketing Company in top 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 Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002535; Coal Producers' Solicitation Form for Crystal River 1 &amp; 2 submitted by Coal Marketing Company; price of coal in column 3 – 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 Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002541; four prices of coal submitted by Coal Marketing Company in top 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>

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<p>PEF's Response to OPC's Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002542; Coal Producers' Solicitation Form for Crystal River 1 &amp; 2 submitted by Coal Marketing Company; price of coal in column 3 – 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 Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002547; price of coal submitted by Horizon Natural Resources Sales Co. 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>

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<p>PEF's Response to OPC's Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002551; Coal Producers' Solicitation Form for Crystal River 1 &amp; 2 submitted by Horizon Natural Resources Sales Co.; price of coal in column 3 – 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 Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002556; price of coal submitted by Horizon Natural Resources Sales Co. 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>

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<p>PEF's Response to OPC's Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002560; Coal Producers' Solicitation Form for Crystal River 1 &amp; 2 submitted by Horizon Natural Resources Sales Co.; price of coal in column 3 – 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 Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002568; Coal Producers' Solicitation Form for Crystal River 1 &amp; 2 submitted by New Ridge Mining Co./Sidney Coal Co.; price of coal in column 3 – 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 Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002570; Coal Producers' Solicitation Form for Crystal River 1 &amp; 2 submitted by Bandmill Coal Co.; price of coal in column 3 – 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 Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002572; Coal Producers' Solicitation Form for Crystal River 1 &amp; 2 submitted by Logan &amp; Kanawha Coal Co.; price of coal in column 3 – 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 Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002576; Coal Producers' Solicitation Form for Crystal River 1 &amp; 2 submitted by Marshall Resources, Inc.; two prices of coal in column 3 – 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 Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002580; coal sales proposal from Peabody COALSALES Co.; three prices 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 Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002587; Coal Producers' Solicitation Form for Crystal River 1 &amp; 2 submitted by Smoky Mountain Coal Corp.; price of coal in column 3 – 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 Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002594; Email from John Tanner to Al Pitcher proposing addendum to current contract with Alliance Resource Partners. The lower half of page contains 4 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 Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002597; Coal Producers' Solicitation Form for Crystal River 4 &amp; 5 submitted by Central Coal Co.; price of coal in column 3 – 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 Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002601; four prices of coal submitted by Coal Marketing Company in top 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>

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<p>PEF's Response to OPC's Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002602; Coal Producers' Solicitation Form for Crystal River 1 &amp; 2 submitted by Coal Marketing Co.; price of coal in column 3 – 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 Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002608; four prices of coal submitted by Coal Marketing Company in top 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>

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<p>PEF's Response to OPC's Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002609; Coal Producers' Solicitation Form for Crystal River 1 &amp; 2 submitted by Coal Marketing Co.; price of coal in column 3 – 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 Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002614; Coal Producers' Solicitation Form for Crystal River 4 &amp; 5 submitted by Glencore LTD; price of coal in column 3 – 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 Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002617; Coal Producers' Solicitation Form for Crystal River 4 &amp; 5 submitted by Glencore LTD; price of coal in column 3 – 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 Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002622; Guasare Coal International bids for coal; three coal prices 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>

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<p>PEF's Response to OPC's Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002628; Guasare Coal International bids for coal; three coal prices 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>
<p>PEF's Response to OPC's Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002633; Coal Producers' Solicitation Form for Crystal River 4 &amp; 5 submitted by Drummond co. LTD; price of coal in column 3 – 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 Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002636; Coal Producers' Solicitation Form for Crystal River 1 &amp; 2 submitted by Bandmill Coal Co.; price of coal in column 3 – 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 Second Request for Production, Question No.15.</p>	<p>Bates No. PEF-FUEL-002638; Coal Producers' Solicitation Form for Crystal River 1 &amp; 2 submitted by Sidney Coal Co.; two prices of coal in column 3 – 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 Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002640; coal bid proposal from Progress Fuels Corp.; three coal prices 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 Second Request for Production, Question No. 15.</p>	<p>Bates No. PEF-FUEL-002642; Coal Producers' Solicitation Form for Crystal River 4 &amp; 5 submitted by Progress Fuels Corp.; price of coal in column 3 – 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 Second Request for Production, Question No. 18.</p>	<p>Bates No. PEF-FUEL-002771; E-mail from Scott Osbourn at Golder Associates, Inc. containing confidential VISTA software output for resistivity; table 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 Second Request for Production, Question No. 18.</p>	<p>Bates No. PEF-FUEL-002780; E-mail from Scott Osbourn at Golder Associates, Inc. containing confidential VISTA software output for resistivity; table 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 Second Request for Production, Question No. 18.</p>	<p>Bates No. PEF-FUEL-002783; E-mail from Scott Osbourn at Golder Associates, Inc. containing confidential VISTA software output for resistivity; table 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 Second Request for Production, Question No. 18.</p>	<p>Bates No. PEF-FUEL-002786; E-mail from Scott Osbourn at Golder Associates, Inc. containing confidential VISTA software output for resistivity; table 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 Second Request for Production, Question No. 18.</p>	<p>Bates No. PEF-FUEL-002795; E-mail from Scott Osbourn at Golder Associates, Inc. containing confidential VISTA software output for resistivity; table 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 Second Request for Production, Question No. 18.</p>	<p>Bates No. PEF-FUEL-002858; E-mail from Scott Osbourn at Golder Associates, Inc. containing confidential VISTA software output for resistivity; table 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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PEF's Response to OPC's Second Request for Production, Question No. 19.	Bates No. PEF-FUEL-003171; spreadsheet listing plant modifications for PRB test burn; modifications for permanent burn; and modification costs; boxed table mid-page.	§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.
PEF's Response to OPC's Second Request for Production, Question No. 19.	Bates No. PEF-FUEL-003175; spreadsheet listing plant modifications for PRB test burn; modifications for permanent burn; and modification costs; boxed table mid-page.	§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.
PEF's Response to OPC's Second Request for Production, Question No. 19.	Bates No. PEF-FUEL-003197; Sargent & Lundy Report; modification cost for CR 4 & 5; first paragraph, line 1.	§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.
PEF's Response to OPC's Second Request for Production, Question No. 19	Bates No. PEF-FUEL-003198; Sargent & Lundy Report; modification cost for CR 4 & 5; first paragraph, line 1.	§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.

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
PEF's Response to OPC's Second Request for Production, Question No. 19.	Bates No. PEF-FUEL-003199; Sargent & Lundy Report; modification cost for CR 4 & 5; last paragraph, line 1.	<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>
PEF's Response to OPC's Second Request for Production, Question No. 19.	Bates No. PEF-FUEL-003215 through 003223; Sargent & Lundy Report; summary of recommended modifications for CR 4 & 5; entire page confidential.	<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>
PEF's Response to OPC's Second Request for Production, Question No. 19.	Bates No. PEF-FUEL-003229 through 003360; containing confidential VISTA software output evaluating various blends of coal.	<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 Second Request for Production, Question No. 19.</p>	<p>Bates No. PEF-FUEL-003402; spreadsheet depicting plant modifications for PRB test burn; modifications for permanent burn; and modification costs; entire page confidential.</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 Second Request for Production, Question No. 19.</p>	<p>Bates No. PEF-FUEL-003407; Vista models listing PRB evaluations at CR 5; entire table on the 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 Second Request for Production, Question No. 20.</p>	<p>Bates No. PEF-FUEL-003485 and 003489; Vista analyses calculating resistivity; table 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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-001784; Projections on delivered coal costs for CR 4 &amp; 5 comparing different coals and methods of transportation; graph in middle 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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-001785; CR4 Coal Financial Performance Evaluation comparing various coals; entire 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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-001786; three coal costs referenced in numbered paragraph three at top of page and twice in last sentence on 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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-001787; coal cost referenced on first sentence 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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-001798; coal cost comparisons referenced 14 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>

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>PEF's Response to OPC's Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-001810; in Assumptions table: two coal prices in column one; one transportation cost in column two; capital investments to burn PRB twice in column three. In the table mid-page, coal costs in columns 1-4.</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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-001825; in Assumptions table: two coal prices in column one; one transportation cost in column two; capital investments to burn PRB twice in column three. In the table mid-page, all coal costs in columns 1-4.</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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-001853 and 001854; VISTA Results Summary; entire page confidential.</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 Second Request for Production, Question No.21.</p>	<p>Bates No. PEF-FUEL-001913 and 001914; VISTA Results Summary; entire page confidential.</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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-001915 through 001922; Comparison table of various coals showing related costs and transportation charges; entire page confidential.</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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-001923 through 001925; VISTA Results Summary; entire page confidential.</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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-001926 through 001931; Comparison table of various coals showing related costs and transportation charges; entire page confidential.</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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-001932; Monthly average emission allowance price forecast; entire page confidential.</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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-001960; price of PRB coal listed twice on 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 Second Request for Production, Question No.21.</p>	<p>Bates No. PEF-FUEL-001961; Economic factors of burning PRB coal at CR 4; costs in column titled "Crystal River 4."</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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-001984; delivered coal costs to CR 4 &amp; 5; price of coal on left side of graph.</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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-002000; delivered coal costs to CR 4 &amp; 5; price of coal on left side of graph.</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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-002019; predicted delivered coal costs to Crystal River (PRB &amp; CAPP); price of coal on left side of graph.</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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-002045; predicted delivered coal costs to Crystal River (PRB &amp; CAPP); price of coal on left side of graph.</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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-002067; delivered coal costs; prices on left side of graph, lower left 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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-002098; prices of coal in columns 2-4.</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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-002099; predicted delivered coal costs to Crystal River (PRB &amp; CAPP); price of coal on left side of graph.</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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-002104; delivered coal costs; prices on left side of graph, lower left 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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-002112; prices of coal in columns 2-4.</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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-002134; predicted delivered coal costs to Crystal River (PRB &amp; CAPP); price of coal on left side of graph.</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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-002142; delivered coal costs; prices on left side of graph, lower left 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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-002180; predicted delivered coal costs to Crystal River (PRB &amp; CAPP); price of coal on left side of graph.</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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-002183; delivered coal costs; prices on left side of graph, lower left 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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-002311; predicted delivered coal costs to Crystal River (PRB &amp; CAPP); price of coal on left side of graph.</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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-002319; delivered coal costs; prices on left side of graph, lower left 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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-002324; comparison of coal costs and transportation costs; entire 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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-003505; String of emails dated 10/25/2005; price of coal referenced three times in mid-page and three times 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 Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-003506; End of e-mail dated 10/25/2005; price of coal referenced five times 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>

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
PEF's Response to OPC's Second Request for Production, Question No. 21.	Bates No. PEF-FUEL-003507; E-mail dated 10/26/2005 at top of page; price of coal referenced four times at top of page; e-mail dated 10/25/2005 at bottom of page; price of coal referenced eight times at 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>
PEF's Response to OPC's Second Request for Production, Question No. 21.	Bates No. PEF-FUEL-003509; Inter-office correspondence of Roy Potter dated 5/9/05; price of coal in column two mid-page; coal savings referenced five times in lower half 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>

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>PEF's Response to OPC's Second Request for Production, Question No. 21.</p>	<p>Bates No. PEF-FUEL-003510; PRB coal and transportation cost estimates in columns 6, 8, 9, 18-21 &amp; 23; SO2 price in small box on right side 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 Second Request for Production, Question No. 22.</p>	<p>Bates No. PEF-FUEL-002325 through 2345; coal financial performance evaluations; entire page confidential.</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
PEF's Response to OPC's Second Request for Production, Question No. 22.	Bates No. PEF-FUEL-002346 through 2357; Mid-term coal price forecast produced by Global Energy Decisions; entire report confidential.	<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 Second Request for Production, Question No. 22.	Bates No. PEF-FUEL-002358 through 002515; internal coal financial templates utilizing various coal sources to predict coal performance; all pages entirely confidential.	<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
PEF's Response to OPC's Second Request for Production, Question No. 22.	Bates No. PEF-FUEL-003522; table comparing various coals and transportation costs; entire page confidential.	<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 this information contains confidential information regarding contractual data, bid data related to coal costs and transportation costs, and other contractual terms, the disclosure of which would impair the efforts of PEF or its affiliates to negotiate coal supply contracts on favorable terms. PEF asserts that this information also relates to the competitive interests of PEF and its fuel suppliers, the disclosure of which would impair the suppliers' competitive businesses. PEF contends that disclosure of certain third party proprietary information would be contrary to contractual obligations and may impair PEF in future contractual negotiations. PEF states that this information is intended to be and is treated by PEF as private and has not been publicly disclosed.

Upon review, it appears that, except for Bates Stamp Document No. PEF-FUEL-002522 included in request No. 15, the above-referenced information contained in PEF's responses to OPC's Second Request for Production of Documents (Response Nos. 15, 18, 19, 20, 21, and 22) satisfies the criteria set forth in Section 366.093(3), Florida Statutes, for classification as proprietary confidential business information and, thus, shall be treated as confidential. The information constitutes "[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms," "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information," or information that if disclosed could cause harm. Thus, the information aforementioned, except for Bates Stamp Document No. PEF-FUEL-002522, is granted confidential classification.

PEF's request for confidential classification as to that portion of its response to OPC's Second Request for Production of Documents identified as Bates Stamp Document No. PEF-FUEL-002522 is denied because it does not meet the criteria set forth in Section 366.093(3), Florida Statutes, for classification as proprietary confidential business information. This information consists of handwritten notes which contain total contract prices rather than individual components of the contract, its pricing or bidding terms. Nor does it contain any terms of the contract. Because it is not specific, there is nothing within this handwritten information which could impair the ability of PEF to contract for goods or services. Thus as to that portion of PEF's response to request No. 15 found at Bates Stamp Document No. PEF-FUEL-002522, PEF's request for confidential classification is denied.

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. 04566-06 is granted in part and denied in part. It is further

ORDERED that the information in Document No. 04566-06 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 6th day of October, 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.