

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Environmental cost recovery clause.

DOCKET NO. 070007-EI
ORDER NO. PSC-07-0676-CFO-EI
ISSUED: August 21, 2007

ORDER GRANTING PROGRESS ENERGY FLORIDA, INC.'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NOS.04478-07 AND 04479-07)

On June 1, 2007, 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 the prefiled direct testimony of Samuel Waters and Exhibits SSW-1 through SSW-5 (Document No. 04478-07) and portions of the prefiled direct testimony of Thomas Cornell and Exhibits TC-1 through TC-8 (Document No. 04479-07). These documents relate to PEF's petition for approval of its Integrated Clean Air Compliance Plan and Associated Crystal River Clean Air Contracts.

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 portions of the prefiled direct testimony and exhibits of Samuel Waters and Thomas Cornell fall within these categories and thus constitute proprietary confidential business information entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. PEF states that the redacted information described in the prefiled direct testimony and exhibits provide confidential contractual data regarding work authorizations for pollution control projects at its Crystal River Plant. PEF asserts that this information concerns in-service dates, emission projections, and projected allowance purchases, the disclosure of which would impair the utility's or its affiliate's ability to contract for goods or services on favorable terms. PEF further asserts that this information relates to the competitive interests of PEF and its suppliers, the disclosure of which would impair their competitive businesses.

DOCUMENT NUMBER-DATE

07402 AUG 21 5

FPSC-COMMISSION CLERK

PEF requests that the following information be granted confidential classification:

DOCUMENTS	PAGE	LINE	JUSTIFICATION
Pre-filed Direct Testimony of Samuel S. Waters.	6	14	<p>§366.093(3)(d), Fla. Stat. The information in question concerns contractual data, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), Fla. Stat. The information in question related to PEF's competitive interests, the disclosure of which would impair PEF's competitive business interests.</p>
Exhibit No. __ (SSW-1) - Integrated Clean Air Compliance Plan.	5	1, 2, 3	<p>§366.093(3)(d), Fla. Stat.</p> <p>§366.093(3)(e), Fla. Stat.</p>
	11	1, 2	<p>§366.093(3)(d), Fla. Stat.</p> <p>§366.093(3)(e), Fla. Stat.</p>
	11	3, 4, 5	<p>§366.093(3)(d), Fla. Stat.</p> <p>§366.093(3)(e), Fla. Stat.</p>
	12	1 – 10	<p>§366.093(3)(d), Fla. Stat.</p> <p>§366.093(3)(e), Fla. Stat.</p>
	12	11, 12	<p>§366.093(3)(d), Fla. Stat.</p> <p>§366.093(3)(e), Fla. Stat.</p>
	18	1 – 5	<p>§366.093(3)(d), Fla. Stat.</p> <p>§366.093(3)(e), Fla. Stat.</p>

DOCUMENTS	PAGE	LINE	JUSTIFICATION
	19	1	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
	20	1- 11	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
	21	1 (Table 1)	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
	22	1 - 4 (including Figure 1)	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
	23	1 – 7 (including Figure 2)	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
	24	1 – 5 (including Figure 3)	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
	35	1, 2	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
	36	1 – 14	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
	37	1 – 12	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
	38	1 - 25	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
	39	1 – 8	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.

DOCUMENTS	PAGE	LINE	JUSTIFICATION
	40	1 – 27	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
	41	1 – 17	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
	42	1 - 20	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
	44	1 – 18	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
	45	1 – 5	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
	46	1 – 2	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
	47	1 – 11	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
	48	1 – 15	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
Exhibit No. ___ (SSW-2) - Summary of Alternative Compliance Plans – 2006.	All	All	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
Exhibit No. ___ (SSW-3) - Summary of Alternative Compliance Plans – 2007.	All	All	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
Pre-filed Direct Testimony of Thomas Cornell.	5	5, 7, 9, 11, 12, 13, 21, 23, 24	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.

DOCUMENTS	PAGE	LINE	JUSTIFICATION
	6	1, 2, 5, 6, 8, 9, 10, 11, 16	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
	11	7	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
	12	23	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
	14	11, 16, 17	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
	15	12	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
	18	11	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
	19	11	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
	21	2	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
Composite Exhibit No. ___(TC-3) - Letter of Intent (LOI) to enter an Engineering, Procurement and Construction contract with Environmental Projects Crystal River ("EPCR"), along with four amendments to the LOI.	All	All	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.

DOCUMENTS	PAGE	LINE	JUSTIFICATION
Composite Exhibit No. __ (TC-4) - Contract with The Babcock and Wilcox Company (and associated work authorizations) for design, engineering, equipment, and other work associated with the Crystal River SCR & FGD projects.	All	All	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
Composite Exhibit No. __ (TC-5) - Contract with Worley Parsons (and associated work authorizations) for preliminary design, engineering and other work associated with the Crystal River SCR and FGD projects.	All	All	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
Exhibit No. __ (TC-6) - Contract No. 298909 Between Progress Energy Florida, Inc. and The Stebbins Engineering and Manufacturing Company for Crystal River Scrubber Towers Units 4 &5.	All	All	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
Exhibit No. __ (TC-7) - Purchase Order Agreement for SCR Catalyst for the Crystal River Power Station Units 4 and 5 - Progress Energy Florida, Inc.	All	All	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.
Exhibit No. __ (TC-8) - Contract No. 300611 Between Progress Energy Florida, Inc. and Commonwealth Dynamics, Inc. for Crystal River Plant Chimney.	All	All	§366.093(3)(d), Fla. Stat. §366.093(3)(e), Fla. Stat.

Upon review, it appears that portions of the prefiled direct testimony and exhibits of Samuel Waters and Thomas Cornell 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,” or “[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 Nos. 04478-07 and 04479-07 is granted. It is further

ORDERED that the information in Document Nos. 04478-07 and 04479-07 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 21st day of August, 2007.


MATTHEW M. CARTER II
Commissioner and Prehearing Officer

(S E A L)

MCB/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 Office of Commission Clerk, 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.