

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of demand-side management plan of Progress Energy Florida, Inc.

DOCKET NO. 100160-EG
ORDER NO. PSC-12-0074-CFO-EG
ISSUED: February 17, 2012

ORDER GRANTING PROGRESS ENERGY FLORIDA, INC.'S
SECOND REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 04015-10)

On May 13, 2010, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Progress Energy Florida, Inc. ("PEF") filed a second request for confidential classification of PEF's Responses to the Southern Alliance for Clean Energy's ("SACE") First Request for Production of Documents ("POD") No. 1 (Document No. 04015-10). This request was filed in Docket No. 100160-EI.

Section 366.093(1), F.S., 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 Section 119.07(1) [the Public Records Act]." Section 366.093(3), F.S., 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. Paragraph (3)(e) of Section 366.093 F.S., provides that proprietary confidential business information includes, but is not limited to "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information."

PEF contends that portions of the information contained in its Response to SACE's POD No. 1, as more specifically described in the table in Attachment A, falls within this definition and, thus, constitutes proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. PEF states that this information is intended to be and is treated by PEF as private and has not been publicly disclosed. PEF further avers that it maintains strict procedures to ensure the confidentiality of the documents in question, including restricting access to the documents and information, and will continue to maintain the confidentiality of the information in the future.

PEF states that the documents at issue contain sensitive business information, the disclosure of which would adversely impact its competitive business interests. According to PEF, such information includes cost analysis and studies conducted regarding projected rate impacts of PEF's demand side management ("DSM") plan; budgets; projected earnings; projected costs; and proprietary third party information. PEF maintains that if such information was disclosed to PEF's suppliers or providers, they may adjust their behavior in the marketplace with respect to activity such as pricing and the provision of goods, materials, and services.

DOCUMENT NUMBER-DATE

00930 FEB 17 02

FPSC-COMMISSION CLERK

Ruling

Upon review, it appears the information identified in the table in Attachment A satisfies the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information. The information constitutes “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Thus, the information contained in Document No. 04015-10, as identified in the table in Attachment A, shall be granted confidential classification.

Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted 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), F.S., 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 Lisa Polak Edgar, as Prehearing Officer, that Progress Energy Florida, Inc.’s Second Request for Confidential Classification of information contained in Document No. 04015-10, as identified in Attachment A, is granted. It is further

ORDERED that the information in Document No. 04015-10 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 Lisa Polak Edgar, as Prehearing Officer, this 17th day of February, 2012.



LISA POLAK EDGAR

Commissioner and Prehearing Officer

Florida Public Service Commission

2540 Shumard Oak Boulevard

Tallahassee, Florida 32399

(850) 413-6770

www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

LDH

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 25-22.0376, 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.

ATTACHMENT A

**PROGRESS ENERGY FLORIDA
Confidentiality Justification Matrix**

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
PEF Responses to SACE's 1st Request for Production of Documents No. 1	<p>Bates Nos. PEF-DSM-0000114 Columns D through N, Lines 8-11, 15-19, 22-24, 41-45.</p> <p>Bates Nos. PEF-DSM-0000115 Columns D through N, Lines 8-11, 15-19, 22-24, 41-45.</p> <p>Bates Nos. PEF-DSM-0000116 Columns AR through BA, Lines 13, 17-20, 23, 27-30, 34-37, 41-44, 49-52, 55, 57.</p> <p>Bates Nos. PEF-DSM-0000117 Columns AR through BA, Lines 13, 17-20, 23, 27-30, 34-37, 41-44, 49-52, 55, 57.</p> <p>Bates Nos. PEF-DSM-0000122 Columns C through K, Lines 6, 8, 12, 14, 18, 20, 24, 26, 30, 32.</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.