

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental cost recovery clause.

DOCKET NO. 120007-EI
ORDER NO. PSC-12-0076-CFO-EI
ISSUED: February 17, 2012

ORDER GRANTING PROGRESS ENERGY FLORIDA, INC.'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 00770-12)

BY THE COMMISSION:

On February 8, 2012, pursuant to Rule 25-22.006, Florida Administrative Code, Progress Energy Florida, Inc, (PEF or Company) filed its request for confidential classification (Request) of "information included in a letter submitted in this Docket." PEF asserts that the confidential information in the documents "is intended to be and is treated as confidential by PEF." The Company requests that the Commission grant confidential classification for the information for a period of 18 months from the date of the issuance of this Order, pursuant to Section 366.093(4), Florida Statutes (F.S.).

Request for Confidential Classification

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 Section 119.07(1) [the Public Records Act]." Pursuant to Section 366.093(3), Florida Statutes, proprietary confidential business information includes 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 the information has not been voluntarily disclosed to the public. Confidential business information includes "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." *Id.* at d.

Progress contends that the information "is intended to be, and is treated as, confidential" and that the information includes the projected costs of services for which PEF will be contracting. The Company argues that disclosure of the information will impair the efforts of PEF to contract for goods or services on favorable terms. Based on the foregoing, the Company asserts that the information is entitled to confidential classification pursuant Section 366.093(3), F.S.

DOCUMENT NUMBER-DATE

00932 FEB 17 2012

FPSC-COMMISSION CLERK

Ruling

Upon review, I find that the information identified in Document No. 00770-12, is treated by the Company as private and is contractual data, the disclosure of which would impair the efforts of the Company to contract for goods or services on favorable terms. I find that disclosure of the identified information would cause harm to PEF's ratepayers or to its business operations. Thus, the information shall be granted confidential classification pursuant to Section 366.093(3), F.S .

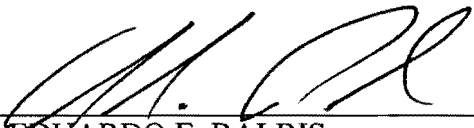
Based on the foregoing, it is

ORDERED by Commissioner Eduardo E. Balbis, as Prehearing Officer, that Progress Energy Florida's Request for Confidential Classification of Document No. 00770-12 is granted. It is further

ORDERED that the information, in Document No. 00770-12, 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. 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. 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 Eduardo E. Balbis, as Prehearing Officer, this 17th day of February, 2012.



EDUARDO E. BALBIS
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.

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.