

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of a new
environmental program for cost recovery under
the Environmental Cost Recovery Clause, by
Progress Energy Florida, Inc.

DOCKET NO. 120318-EI
ORDER NO. PSC-13-0018-CFO-EI
ISSUED: January 9, 2013

ORDER GRANTING PROGRESS ENERGY FLORIDA, INC.'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF DOCUMENT NO. 08291-12

On December 21, 2012, pursuant to Rule 25-22.006, Florida Administrative Code, Progress Energy Florida, Inc. (Progress or Company) filed its request for confidential classification of cost estimates for outside vendors to conduct various activities described in the Company's underlying petition, including studies related to Crystal River industrial wastewater percolation basin system, installation of flow monitoring devices, inspections, and groundwater flow/contour mapping. The Company asks that the information identified in Document No. 08291-12 be classified as proprietary confidential business information pursuant to Section 366.093(d), Florida Statutes.

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 asserts that the identified information is intended to be, and is treated as confidential by the Company and that the information has not been disclosed to the public. Progress argues that if the cost information, described above, were disclosed to potential contractors, the Company's efforts to contract for needed services would be compromised because potential contractors could tailor their prices to remain marginally competitive with the projected costs and not offer their best prices. The Company asserts that the information is entitled to confidential classification pursuant Section 366.093(3)(d), F.S.

DOCUMENT NUMBER-DATE
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FPSC-COMMISSION CLERK

Ruling

Upon review, I find that the information identified in Document No. 08291-12, is treated by the Company as private, is information relating to contractual data, and that disclosure of the information would impair the efforts of the Company to contract for goods or services on favorable terms. Thus, the information shall be granted confidential classification pursuant to Section 366.093(3)(d), F.S.

Based on the foregoing, it is

ORDERED by Commissioner Art Graham, as Prehearing Officer, that Progress Energy Florida, Inc.'s Request for Confidential Classification of Document No. 08291-12 is granted. It is further

ORDERED that the information in Document No. 08291-12 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 Progress Energy Florida, Inc. 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 Art Graham, as Prehearing Officer, this 9th day of January, 2013.


ART GRAHAM
Commissioner and Prehearing Officer
Florida Public Service Commission
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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.