



Florida Power

A Progress Energy Company

ASSOCIATE GENERAL COUNSEL

JAMES A. MCGEE

September 30, 2002

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

RECEIVED-FPSC
02 OCT - 1 AM 11:57
COMMISSION
CLERK

Re: Docket No. 020001-EI; Risk Management Plan;
Request for Confidential Classification.

Dear Ms. Bayó:

Enclosed for filing is Florida Power Corporation's Request for Confidential Classification regarding the subject matter accompanied by a sealed envelope containing the document subject to the Request, with the confidential information highlighted. Also enclosed with the Request are two copies of the document with the confidential information redacted. **The highlighted portions of the unredacted version should be held as Confidential Information in accordance with Rule 25-22.006, F.A.C.**

Please acknowledge your receipt of the above filing on the enclosed copy of this letter and return to the undersigned. Also enclosed is a 3.5 inch diskette containing the above-referenced Request in WordPerfect format. Thank you for your assistance in this matter.

Very truly yours,

James A. McGee

DISTRIBUTION CENTER
02 OCT - 1 AM 9:48

JAM/scc
Enclosure

cc: Parties of record

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER 02

10530 OCT-1 2002

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost
Recovery Clause and Generating
Performance Incentive Factor.

Docket No. 020001-EI
Submitted for filing:
September 30, 2002

REQUEST FOR CONFIDENTIAL CLASSIFICATION

Florida Power Corporation (Florida Power or the Company), pursuant to Section 366.093, F.S., and Rule 25-22.006, F.A.C., hereby requests confidential classification of the highlighted information in the Company's Risk Management Plan (the Plan) filed on this date in accordance with the Resolution of Outstanding Issues entered into by the parties and approved by the Commission in Docket No. 011605-EI. The Plan, which provides detailed information in Section IV regarding the manner and timing of Florida Power's entry into the fuel and commodities markets, is attached to this Request in a separate sealed envelope, with the information for which Florida Power seeks confidential classification highlighted. Two public copies of the Plan with the confidential information redacted are also enclosed with this Request. In support of its Request, Florida Power states as follows:

1. Subsection 366.093(1) provides that any records "found by the commission to be propriety confidential business information shall be kept confidential and shall be exempt from s. 119.07(1) [requiring disclosure under the Public Records Act]." Proprietary confidential business information includes, but

DOCUMENT NUMBER-DATE

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FLORIDA POWER CORPORATION

FPSC-COMMISSION CLERK

is not limited to, “[i]nformation concerning . . . 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 366.093(3)(d). Proprietary confidential business information also includes “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Section 366.093(3)(e). The designated portions of the Plan fall within this statutory categories and, thus, constitute propriety confidential business information entitled to protection under Section 366.093 and Rule 25-22.006.

2. In particular, disclosure of the highlighted information in Section IV the Plan would provide highly sensitive information to recipients regarding the manner and timing of Florida Power’s entry into the fuel and commodities markets. Knowledge of this information would allow the opportunity for market manipulation through transactions made in anticipation of the Company’s entry into the market. In addition, market manipulations of the type that could be made if the highlighted information were to be disclosed would have the effect of increasing the price of fuel paid by Florida Power’s customers, as well as increasing the price paid by the Company to hedge the customers’ price of fuel. These effects of disclosure would thus impair the efforts of Florida Power to contract for goods and services on favorable terms for the benefit of its customers.

3. The information in the Plan for which Florida Power now seeks confidential classification and the harm that would result from public disclosure are, for all intents and purposes, the same as that described in the Company’s request for confidential classification filed on June 5, 2002 in Docket No. 011605-EI (Document

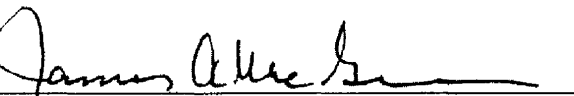
No. 05903-02). Although an order does not appear to have been entered with respect to that request, Staff issued a memorandum dated July 30, 2002 recommending "that the Company be granted confidential status for the requested documents based on the statutory justification cited in its request." Florida Power submits that the basis for Staff's recommendation is equally applicable to the information subject to this Request.

4. The designated information for which confidential classification is sought is intended to be and is treated by the Company as private and has not been publicly disclosed.

WHEREFORE, Florida Power respectfully requests that the highlighted information in Section IV of the Risk Management Plan attached hereto be accorded confidential classification for the reasons set forth above.

Respectfully submitted,

FLORIDA POWER CORPORATION

By 

James A. McGee
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St. Petersburg, FL 33733-4042
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Facsimile: (727) 820-5519

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to the following individuals by regular U.S. Mail the 30th day of September, 2002:

Wm. Cochran Keating, Esquire
Senior Attorney
Florida Public Service Commission
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Tallahassee, FL 32399-0850

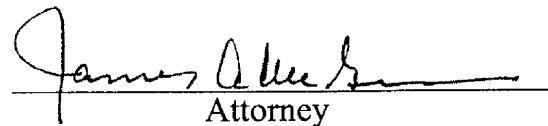
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Attorney