

This docketed notice of intent was filed with Confidential Document No. 11125-04. The document has been placed in confidential storage pending timely receipt of a request for confidentiality. (See DN 10984-04)

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Determination of Need of Hines Unit 4 Power Plant)

DOCKET NO. 040817-EI

Submitted for filing: October 14, 2004

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OCT 15 AM 8:13
COMMISSION CLERK

SUPPLEMENT TO THIRD NOTICE OF INTENT TO REQUEST CONFIDENTIAL CLASSIFICATION

Progress Energy Florida ("PEF" or the "Company"), pursuant to Section 366.093, Fla. Stats., and Rule 25-22.006, F.A.C., files this Supplement to Third Notice of Intent to Request Confidential Classification of PEF's response to Staff's First Set of Interrogatories, Interrogatory Number 17, and PEF's responses to Staff's First Request for Production of Documents, Requests 16 and 17. PEF is filing this supplement because PEF has discovered additional documents responsive to Staff's First Request for Production of Documents, Requests 16 and 17, that need to be added to the confidential "Appendix A" that was filed with PEF's original notice. Accordingly, PEF hereby submits the following.

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1. A separate, sealed envelope containing one copy of the confidential "Supplemental Appendix A" to PEF's Third Request for Confidential Classification for which PEF intends to request confidential classification with the appropriate section, pages, or lines containing the confidential information highlighted. **This information should be accorded confidential treatment pending the filing of PEF's request and a decision on PEF's request by the Florida Public Service Commission;**

2. An amended justification matrix for the documents included in PEF's Supplemental Appendix A enclosed herewith; and

3. A privilege log for the documents contained in PEF's Supplemental Appendix A.

TPA#1946857.3

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FPSC-BUREAU OF RECORDS

Confidential
DOCUMENT NUMBER-DATE
11125 OCT 15 04
FPSC-COMMISSION CLERK

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DOCUMENT NUMBER-DATE
11124 OCT 15 04
FPSC-COMMISSION CLERK

4. Two copies of the confidential supplemental responses with the information for which PEF intends to request confidential classification redacted by section, page, or lines where appropriate will be filed with the Commission via hand delivery or overnight mail on October 15, 2004.

Respectfully submitted this 14th day of October, 2004.

JAMES A. MCGEE
Associate General Counsel
PROGRESS ENERGY SERVICE
COMPANY, LLC
P.O. Box 14042
St. Petersburg, Florida 33733
Telephone: (727) 820-5184
Facsimile: (727) 820-5519



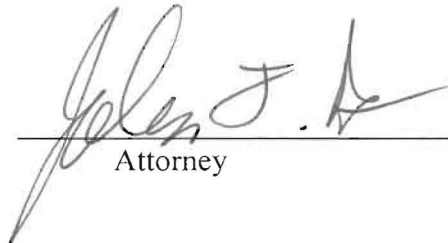
GARY L. SASSO
Florida Bar No. 622575
JAMES MICHAEL WALLS
Florida Bar No. 0706272
JOHN T. BURNETT
Florida Bar No. 173304
CARLTON FIELDS, P.A.
Post Office Box 3239
Tampa, FL 33601-3239
Telephone: (813) 223-7000
Facsimile: (813) 229-4133

- and -

W. Douglas Hall
Florida Bar No. 347906
CARLTON FIELDS
Post Office Box 190
Tallahassee, FL 32302-0190
Telephone: (850) 224-1585
Facsimile: (850) 222-0398

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by e-mail and U.S. Mail to Wm. Cochran Keating, IV, Senior Attorney, Office of the General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850 and via U.S. Mail to all other interested parties as listed on the attachment this 14th day of October, 2004.



Attorney

Parties of Record and Interested Persons in Docket 040817

Myron Rollins
Black & Veatch Corporation
11401 Lamar Avenue
Overland Park, KS 66211

Paul Darst
Department of Community Affairs
Division of Resource Planning/Management
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

Buck Oven
Siting Coordination Office
Department of Environmental Protection (Siting)
2600 Blairstone Road
Tallahassee, FL 32301

SUPPLEMENTAL ATTACHMENT A

DOCUMENTS	PAGE/LINE	JUSTIFICATION
<p>PEF's Response to Staff's First Request for Production of Documents, Request No. 16 and 17.</p>	<p>PEF-00758-00792: All information on pages;</p> <p>PEF-00794-00829: All information on pages;</p> <p>PEF-00830: Fourth word in first sentence of first paragraph;</p> <p>PEF-00831: Fourth-sixth words in first sentence, tenth word in second sentence, all words after "diversity" in fourth bullet, all words after "any" in fifth bullet;</p> <p>PEF-00832-00867: All information on pages;</p> <p>PEF-0868: All names, dates, and dollar figures in second and third paragraphs;</p> <p>PEF-00869-00901: All information on pages;</p> <p>PEF-00902: All information in third-seventh bullet points on page;</p> <p>PEF-00904-00955: All information on pages;</p> <p>PEF-000956: Subject line;</p> <p>PEF-001010: Header, footer, subject line, and last three words in first sentence;</p> <p>PEF-001011-001052: All information on pages;</p>	<p>§ 366.093(3)(d) PEF's responses contain confidential documents regarding and detailing PEF's negotiations with potential fuel suppliers, the disclosure of which would impair the utility's efforts to contract for such services on favorable terms.</p>

	<p>PEF-001053: Header, numeric list in subject line, all other information on page;</p> <p>PEF-001054-001055: All information on pages;</p> <p>PEF-001103: All information in bullet points on page;</p> <p>PEF-001104-001158: All information on pages;</p> <p>PEF-001159: "From," "cc," and subject lines. All words in first paragraph after word "regarding." All words in second paragraph. Signature block, names in notice provision in footer.</p> <p>PEF-001161-001331: All information on pages;</p> <p>PEF-001332: All information after subject line.</p> <p>PEF-001333-001366: All information on pages;</p> <p>PEF-001367: All words after word "options" in subject lines. Last two words in first sentence;</p> <p>PEF-001368-1373: All information on pages;</p> <p>PEF-001374: All company names in text sentences and file descriptions on page;</p> <p>PEF-001375-001410: All information on pages;</p> <p>PEF-001411: Company</p>	
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	<p>names in second sentence on page;</p> <p>PEF-001412-001446: All information on pages;</p> <p>PEF-001500: "From" line and company names in subject line. All other information on page after word "Peggy;"</p> <p>PEF-001501-001563: All information on pages;</p> <p>PEF-001564: "To," "cc:," and subject line, and name in introduction;</p> <p>PEF-001565-001597: All information on pages;</p> <p>PEF-001598: "From" and "cc:" lines. All information on page after word "revisions;"</p> <p>PEF-001599-0011603: All information on pages;</p> <p>PEF-001064: "From" line. All information on page after word "attached;"</p> <p>PEF-001605-001631: All information on pages;</p> <p>PEF-001632: Subject line and company names in first paragraph and in footer;</p> <p>PEF-001633-001687: All information on pages;</p> <p>PEF-001688: "From" and subject line and all bullet points on page. Company</p>	
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	<p>names in legal notice in footer;</p> <p>PEF-001689-001691: All information on pages;</p> <p>PEF-001692: "From" and "cc:" lines. All words after the word "the" in second sentence. Company names in legal notice in footer;</p> <p>PEF-001693-001780: All information on pages;</p> <p>PEF-001781: "From," "To," and "cc:" lines. All text after word "from" in first sentence;</p> <p>PEF-001782-001783: All information on pages;</p> <p>PEF-001784-001787: All information on pages except for "To" block at top of letter on first page;</p> <p>PEF-001788: "From" and "cc:" lines. All text after word "Rick" on first page;</p> <p>PEF-001789-001866: All information on pages;</p> <p>PEF-001867: "From" line and all numeric bullets on page. Company names in legal notice in footer;</p> <p>PEF-001868-002029: All information on pages;</p> <p>PEF-002030: "From" and "cc:" lines. All text in first full paragraph. Name and address in footer;</p>	
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	<p>PEF-002031-002137: All information on pages;</p> <p>PEF-002138: "From" and "cc:" lines. All text on page after first full sentence;</p> <p>PEF-002139-002257: All information on pages;</p> <p>PEF-002258: "From" line and all text after first full sentence. Company names in legal notice in footer;</p> <p>PEF-002259-002277: All information on pages;</p> <p>PEF-002278-002279: "From," "cc:," and subject lines. Sender information in first e-mail. Company names in text of embedded e-mails;</p> <p>PEF-002280-002282: All information on pages after "To" block at top of letter;</p> <p>PEF-002283-002300: All information on pages;</p> <p>PEF-002302-002305: All information on pages;</p> <p>PEF-002306-002327: All information on pages except for "To" line on first page;</p> <p>PEF-002328-002376: All information on pages except for date, "To" and subject lines on first page;</p> <p>PEF-002377-002381: All information on pages except</p>	
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	<p>for “From,” date, and “To” lines on first page;</p> <p>PEF-002382-002401: All information on pages after subject line document number identification;</p> <p>PEF-002403-002420: All information on pages;</p> <p>PEF-002421-2422: “cc:” line. Company names in first paragraph. “To,” “From,” and “cc:” lines in embedded e-mails. Company names and signature blocks in embedded e-mails;</p> <p>PEF-002423-002455: All information on pages;</p> <p>PEF-002456: “To” and subject lines. All information after first sentence;</p> <p>PEF-002457-002487: All information on pages;</p> <p>PEF-002488-002523: All information after word “revised” in subject line on first page;</p> <p>PEF-002524-002556: All information on pages after subject line on first page;</p> <p>PEF-002557: “To” line, introduction, and company names in first paragraph;</p> <p>PEF-002558-002586: All information on pages.</p>	
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HINES IV NEED PROCEEDING
Privileged Document
and Work Product Log
Docket No. 040817-EI

DATE	AUTHOR	ADDRESSEE/ DISTRIBUTED TO	BATES- NUMBERS	DESCRIPTION/TITLE	REASON WITHHELD
6/18/04	Rick Rhodes; James H. Jeffries, Esq.	Gary Bechard, Albert Hopping	PEF-001447- PEF-001473	E-mail and attachment from legal counsel containing legal counsel's advice and redline text comments regarding potential contract between PEF and a potential fuel supplier	Attorney client privilege
6/17/04	James H. Jeffries, Esq.	Pam Larger, Rick Rhodes, Pam Murphy, John Trimble, Melanie Adams	PEF-001474- PEF-001499	E-mail and attachment from legal counsel containing legal counsel's advice and redline text comments regarding potential contract between PEF and a potential fuel supplier	Attorney client privilege