

# Hopping Green & Sams

Attorneys and Counselors

Writer's Direct Dial No.  
(850) 425-2359

February 1, 2005

## **BY HAND DELIVERY**

Blanca Bayó  
Director Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

Re: Docket No. 050001-EI  
**CONFIDENTIAL DOCUMENTS ENCLOSED**

Dear Ms. Bayó:

Enclosed for filing on behalf of Progress Energy Florida, Inc., (PEF) are the following:

(1) The original and seven copies of PEF's Notice of Intent to Request Confidential Classification, with attached copies of the discovery requests pertaining to the confidential information (A diskette containing the Notice in Word format is also included);

(2) A CONFIDENTIAL envelope containing one copy of the documents on which the confidential material has been highlighted.

By copy of this letter, I am providing a copy of the Request for Confidential Classification to all parties in this docket.

Please stamp and return the enclosed extra copy of this filing. If you have any question regarding this filing, please contact the undersigned.

Very truly yours,

HOPPING GREEN & SAMS, PA.

By: 

Gary V. Perko

Attorneys for Progress Energy Florida, Inc.

Enclosures

cc: certificate of service

DOCUMENT NUMBER-DATE

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of Progress Energy Florida, Inc.'s Notice of Intent to Request Confidential Classification in Docket No. 050001-EI has been furnished by hand-delivery (\*) or regular U.S. mail to the following this 15 day of February, 2005.

Adrienne Vining, Esq. (\*)  
Jennifer Rodan, Esq.  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Vicki Gordon Kaufman, Esq.  
Timothy J. Perry, Esq.  
McWhirter Reeves, et al.  
117 South Gadsden Street  
Tallahassee, FL 32301

James A. McGee  
Progress Energy Services Co, LLC.  
P.O. Box 14042  
St. Petersburg, FL 33733-4042

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John T. Butler, Esq.  
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Florida Power & Light Co.  
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111 West Madison Street, Rm. 812  
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Tampa Electric Company  
Angela Llewellyn  
Regulatory Affairs  
P.O. Box 111  
Tampa, FL 33601-0111

Jeffrey A. Stone, Esq.  
Russell A. Badders, Esq.  
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Pensacola, FL 32576

Messer Law Firm  
Norman Horton, Jr.  
P.O. Box 1876  
Tallahassee, FL 32302-1876

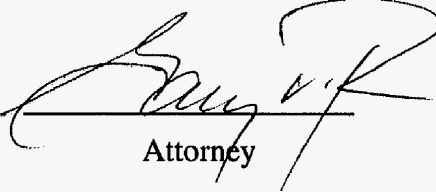
Florida Industrial Power Users Group  
c/o John W. McWhirter, Jr.  
McWhirter Reeves  
400 North Tampa Street, Suite 2450  
Tampa, FL 33602

Florida Public Utilities Company  
Ms. Cheryl Martin  
P. O. Box 3395  
West Palm Beach, FL 33402-3395

CSX Transportation, Inc.  
Mark Hoffman  
500 Water St., 14th Floor  
Jacksonville, FL 32202

Moyle Law Firm  
Jon C. Moyle, Jr.  
The Perkins House  
118 North Gadsden Street  
Tallahassee, FL 32301

Landers Law Firm  
Robert Scheffel Wright/John LaVia, III  
P.O. Box 271  
Tallahassee, FL 32302



Attorney

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and purchase power cost )  
recovery clause with generating )  
incentive performance factor )  
\_\_\_\_\_ )

Docket No. 050001-EI  
Filed: February 1, 2005

**NOTICE OF INTENT TO REQUEST CONFIDENTIAL CLASSIFICATION**

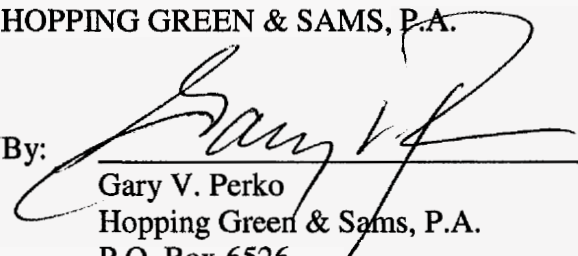
Progress Energy Florida, Inc. ("Progress Energy"), by and through its undersigned attorneys and pursuant to Rule 25-22.006, Florida Administrative Code, hereby gives notice that it intends to request confidential classification for documents being produced in response to Request No. 16 of Staff's Fifth Request for Production of Documents. A copy of Staff's request for the confidential materials is appended hereto. Copies of the confidential documents are provided in the enclosed envelope labeled "Confidential."

These materials contain proprietary confidential business information regarding trade secrets, contractual and bid information, and information relating to competitive interests the disclosure of which would cause irreparable harm to Progress Energy within the meaning of Section 366.093(3), Florida Statutes. The information for which confidential classification is sought is intended to be and is treated by Progress Energy as private. A formal request for confidential classification will be filed within the time period specified in Rule 25-22.006 (3)(a), Florida Administrative Code, if Staff determines that the information will be retained and not returned to the company within the specified time period.

RESPECTFULLY SUBMITTED this 1st day of February, 2005.

HOPPING GREEN & SAMS, P.A.

By:



Gary V. Perko  
Hopping Green & Sams, P.A.  
P.O. Box 6526  
Tallahassee, FL 32314  
(850) 425-2359

Attorneys for Progress Energy Florida, Inc.

## BEFORE THE PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery  
clause with generating performance incentive  
factor.

DOCKET NO. 040001-EI

DATED: NOVEMBER 30, 2004

STAFF'S FIFTH REQUEST FOR PRODUCTION OF DOCUMENTS TO  
PROGRESS ENERGY FLORIDA, INC. (NOS. 11-16)

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, the Staff of the Florida Public Service Commission, by and through its undersigned attorney, hereby serves the following Request for Production of Documents upon Progress Energy Florida, Inc.

Please produce the following documents at the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, no later than thirty days after service of this request for the purpose of inspection and copying.

DEFINITIONS

As used herein, the word "documents" shall mean the original and any non-identical copies of any writing or record, including but not limited to a book, pamphlet, periodical, letter, memorandum, telegram, report, study, interoffice or intraoffice, handwritten or other notes, working paper, draft, application, permit, chart, paper, graph, survey, index, tape, disc, data sheet or data processing card, computer printout, or any other written, recorded, transcribed, filed or graphic matter, however produced or reproduced.

STAFF'S FIFTH REQUEST FOR PRODUCTION OF DOCUMENTS  
TO PROGRESS ENERGY FLORIDA, INC. (NOS. 11-16)  
DOCKET NO. 040001-EI  
PAGE 2

DOCUMENTS REQUESTED

11. For each day that PEF's system was impacted by Tropical Storm Bonnie, and the aftermath thereof, please provide documents which show the following:

1. actual dispatch of PEF's generation resources; and,
2. anticipated dispatch of PEF's generation resources prior to Tropical Storm Bonnie.

12. For each day that PEF's system was impacted by Hurricane Charley, and the aftermath thereof, please provide documents which show the following:

1. actual dispatch of PEF's generation resources; and,
2. anticipated dispatch of PEF's generation resources prior to Hurricane Charley.

STAFF'S FIFTH REQUEST FOR PRODUCTION OF DOCUMENTS  
TO PROGRESS ENERGY FLORIDA, INC. (NOS. 11-16)  
DOCKET NO. 040001-E1  
PAGE 3

13. For each day that PEF's system was impacted by Hurricane Frances, and the aftermath thereof, please provide documents which show the following:

1. actual dispatch of PEF's generation resources; and,
2. anticipated dispatch of PEF's generation resources prior to Hurricane Frances.

14. For each day that PEF's system was impacted by Hurricane Ivan, and the aftermath thereof, please provide documents which show the following:

1. actual dispatch of PEF's generation resources; and,
2. anticipated dispatch of PEF's generation resources prior to Hurricane Ivan.

STAFF'S FIFTH REQUEST FOR PRODUCTION OF DOCUMENTS  
TO PROGRESS ENERGY FLORIDA, INC. (NOS. 11-16)  
DOCKET NO. 040001-EI  
PAGE 4

15. For each day that PEF's system was impacted by Hurricane Jeanne, and the aftermath thereof, please provide documents which show the following:

1. actual dispatch of PEF's generation resources; and,
2. anticipated dispatch of PEF's generation resources prior to Hurricane Jeanne.

16. Please provide documents which indicate PEF's coal and natural gas suppliers invoking *force majeure* provisions due to one or more hurricanes and/or tropical storms.

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ADRIENNE E. VINING  
Senior Attorney  
FLORIDA PUBLIC SERVICE COMMISSION  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
(850) 413-6183



## BEFORE THE PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery  
clause with generating performance incentive  
factor.

DOCKET NO. 040001-EI

DATED: NOVEMBER 30, 2004

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one correct copy of STAFF'S FIFTH REQUEST FOR PRODUCTION OF DOCUMENTS TO PROGRESS ENERGY FLORIDA, INC. (NOS. 11-16) has been served by electronic mail and U. S. Mail to James McGee, Progress Energy Florida, Inc., 100 Central Avenue, Suite CX1D, St. Petersburg, Florida, 33701, on behalf of Progress Energy Florida, Inc., and that a true and correct copy thereof has been furnished to the following, by U.S. Mail, this 30<sup>th</sup> day of November, 2004:

Ausley & McMullen Law Firm  
James Beasley/Lee Willis  
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Tallahassee, FL 32302

Florida Power & Light Company  
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215 South Monroe Street, Ste. 810  
Tallahassee, FL 32301-1859

Florida Industrial Power Users Group  
c/o John McWhirter, Jr.  
McWhirter Reeves Law Firm  
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Tampa, FL 33602

Florida Public Utilities Company  
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**CERTIFICATE OF SERVICE  
DOCKET NO. 040001-EI  
PAGE 2**

**Tampa Electric Company  
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**Moyle, Flanigan, Katz, Raymond,  
Sheehan, P. A.  
Jon C. Moyle, Jr./Bill Hollimon  
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FLORIDA PUBLIC SERVICE COMMISSION  
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