

**Hopping Green & Sams**

Attorneys and Counselors

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February 18, 2005

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COMMISSION  
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**BY HAND DELIVERY**

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

Re: Docket No. 041393-EI

Dear Ms. Bayó:

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

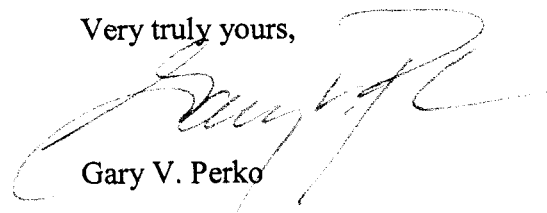
(1) The original and seven copies of PEF's Request for Confidential Classification, including Exhibit A, which identifies by page and line the information for which PEF seeks confidential treatment. (A diskette containing the Request in Word format is also included);

(2) A package containing Composite Exhibit B, which includes two redacted copies of the confidential documents; and

(3) A CONFIDENTIAL package containing Composite Exhibit C which includes one copy of the documents on which the confidential material has been highlighted.

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,



Gary V. Perko

- CMP
- COM
- CTR
- ECR
- GCL
- OPC
- MMS
- RCA
- SCR
- SEC

Enclosures  
cc: Adrienne Vining, Esq.

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

01716 FEB 18 03  
000496

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records

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition of Progress Energy Florida ) Docket No. 041393-EI  
for approval of Unit Power Sales Agreements )  
for cost recovery purposes. ) Filed: February 18, 2005  
\_\_\_\_\_ )

**PROGRESS ENERGY FLORIDA'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Progress Energy Florida, Inc., ("Progress Energy" of "Company"), pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code, submits this Request For Confidential Classification of certain information provided in response to an informal data request by Staff. In support of this Request, Progress Energy states:

1. In response to an informal data request from Staff, on February 1, 2005, Progress Energy provided documents containing information that is "proprietary business information" under Section 366.093(3), Florida Statutes.

2. Also on February 1, 2005, the Company timely filed with the Commission its Notice of Intent to Request Confidential Classification of the documents described in paragraph 1 above. This formal Request for Confidential Classification is now being filed within the time period specified in Rule 25-22.006(3)(a), Florida Administrative Code.

3. The following exhibits are included with this request:

(a) Exhibit A is a table which identifies by page and line the information for which Progress seeks confidential classification and the specific statutory bases for seeking confidential treatment.

(b) Composite Exhibit B is a package containing two copies of redacted versions of the documents for which the Company requests confidential classification. The

specific information for which confidential treatment is requested has been blocked out by opaque marker or other means.

(c) Composite Exhibit C is a package containing unredacted copies of all the documents for which Progress seeks confidential treatment. Composite Exhibit C is being submitted separately in a sealed envelope labeled “CONFIDENTIAL.” In the unredacted versions, the information asserted to be confidential is highlighted by yellow marker.

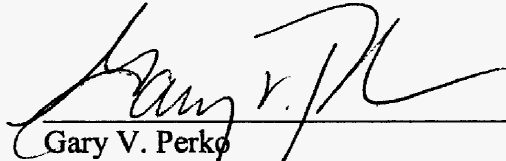
4. As explained in more detail in Exhibit A, the information for which Progress Energy requests confidential classification is “proprietary confidential business information” within the meaning of Section 366.093(3), F.S. The information includes contractual data, such as pricing information, as well as fuel forecasting and market projection data, the disclosure of which would impair the efforts of the Company or its affiliates to negotiate contracts for goods and services on favorable terms. *See* § 366.093(3)(d), F.S. Furthermore, the information relates to the competitive interests of Progress Energy, its affiliates and Southern Company, the disclosure of which would impair their competitive businesses. *Id.* § 366.093(3)(e). Accordingly, such information constitutes “proprietary confidential business information” which is exempt from disclosure under the Public Records Act pursuant to Section 366.093(1), F.S.

5. The information identified in Exhibit “A” is intended to be and is treated as confidential by the Company. The information has not been disclosed to the public.

6. Progress Energy requests that the information identified in Exhibit A be classified as “proprietary confidential business information” within the meaning of section 366.093(3), F.S., that the information remain confidential for a period of at least 18 months as provided in section 366.093(4), F.S., and that the information be returned as soon as it is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the foregoing reasons, Progress Energy Florida, respectfully requests that this Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 18<sup>th</sup> day of February, 2005.



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Attorney for PROGRESS ENERGY FLORIDA

**EXHIBIT A**

**PROGRESS ENGERY FLORIDA  
Confidentiality Justification**

<b>Document Description</b>	<b>Page No(s).</b>	<b>Line No(s).</b>	<b>Column(s)</b>	<b>Justification</b>
Spreadsheet 1B – Deferral Analysis	1-2	1-2	All	A
Spreadsheet 1C – Equity Adjustment	1	1-7	A-F	A
Spreadsheet 2A - Cost/Curve Analysis	1	1-7	N/A	B
	1	8-51	A-G	
	2	All	A-G	
	1	8-51	I, J, L-O	C
	2	All	I, J, L-O	
Spreadsheet 2B – Southern Region	All	All	All	C
Spreadsheet 2C – FRCC Region	All	All	All	C

**Legend**

- A** This information includes contractual data, including capacity pricing, total costs, and other information which could be used with non-confidential information to calculate capacity pricing for the Unit Purchase Sales Agreements. The disclosure of this information would place Progress Energy or its affiliates at a competitive disadvantage when negotiating with other wholesale power suppliers, who would know what the Company had recently agreed to pay Southern Company. Armed with this information, other suppliers could tailor their prices to remain marginally competitive to the Southern rates without offering their best price. As such, disclosure of the information would impair the Company’s efforts to contract for goods or services on favorable terms. *See* § 366.093(3)(d), F.S. Furthermore, the information relates to the competitive interests of Progress Energy and Southern Company, the disclosure of which would impair their competitive businesses. *Id.* § 366.093(3)(e). Moreover, Progress Energy is obligated under this contracts with Southern Company to keep this information confidential. For these reasons, the information constitutes “proprietary confidential business information” which is exempt from disclosure under the Public Records Act pursuant to Section 366.093(1), F.S.
- B** This information includes fuel forecast information, the disclosure of which would place Progress Energy or its affiliates at a competitive disadvantage when negotiating with fuel suppliers. Disclosure of the fuel forecast information would provide potential fuel suppliers with knowledge of what the Company expects to pay for fuel in the future. This knowledge would give suppliers significant competitive advantage in future contract negotiations because they would no longer need to make their best offers to ensure the competitiveness of their rates against the Company’s forecasts. Instead, suppliers could simply offer the highest rates that would allow them to maintain a marginally competitive position against the Company’s market forecasts. As such, disclosure of the information would impair the Company’s efforts to contract for goods or services on favorable terms. *See* § 366.093(3)(d), F.S. Furthermore, the information relates to the competitive interests of Progress Energy and its affiliates, the disclosure of which would impair their competitive businesses. *Id.* § 366.093(3)(e). Accordingly, the information constitutes “proprietary confidential business information” which is exempt from disclosure under the Public Records Act pursuant to Section 366.093(1), F.S.

## EXHIBIT A

- C This information includes power market projections, the disclosure of which would place Progress Energy or its affiliates at a competitive disadvantage when negotiating with wholesale power suppliers. Disclosure of the market projection information would provide potential suppliers with knowledge of what the Company expects to pay for wholesale power. This knowledge would give suppliers significant competitive advantage in future contract negotiations because they would no longer need to make their best offers to ensure the competitiveness of their rates against the Company's market projections. Instead, suppliers could simply offer the highest rates that would allow them to maintain a marginally competitive position against the Company's market projections. As such, disclosure of the information would impair the efforts of the Company or its affiliates to contract for goods or services on favorable terms. *See* § 366.093(3)(d), F.S. Furthermore, the information relates to the competitive interests of Progress Energy and its affiliates, the disclosure of which would impair their competitive businesses. *Id.* § 366.093(3)(e). Accordingly, the information constitutes "proprietary confidential business information" which is exempt from disclosure under the Public Records Act pursuant to Section 366.093(1), F.S.