Hopping Green & Sams

Attorneys and Counselors

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

February 21, 2005

BY HAND DELIVERY

ĸ

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

Re: Docket No. 050001-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 your Gary V. Perko

Enclosures cc: certificate of service

DOCUMENT NUMBER - DATE

01782 FEB218

FPSC-COMMISSION CLERK

Post Office Box 6526 Tallahassee, Florida 32314 123 South Calhoun Street (32301) 850.222.7500 850.224.8551 fax www.hgslaw.com

CERTIFICATE OF SERVICE

IHEREBY CERTIFY that a true and correct copy of Progress Energy Florida, Inc.'s Request for Confidential Classification in Docket No. 050001-EI have been furnished by hand-delivery (*) or regular U.S. mail to the following this $2/2^{-1}$ day of February, 2005.

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

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

John T. Butler, Esq. Steel Hector & Davis, LLP 200 S. Biscayne Bay Blvd, Suite 4000 Miami, FL 33131-2398

Lee L. Willis, Esq. James D. Beasley, Esq. Ausley & McMullen P.O. Box 391 Tallahassee, FL 32302

Patricia Ann Christensen, Esq. (*) Office of Public Counsel 111 West Madison Street, Rm. 812 Tallahassee, FL 32399

Jeffrey A. Stone, Esq. Russell A. Badders, Esq. Beggs and Lane P.O. Box 12950 Pensacola, FL 32576

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

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

Florida Power & Light Co. R. Wade Litchfield, Esq. 700 Universe Blvd. Juno Beach, FL 33408-0420 Florida Power & Light Co. Bill Walker 215 S. Monroe Street, Suite 810 Tallahassee, FL 32301

Gulf Power Company Susan Ritenour One Energy Place Pensacola, FL 32520-0780

Tampa Electric Company Angela Llewellyn Regulatory Affairs P.O. Box 111 Tampa, FL 33601-0111

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

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

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

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

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

)

)

)

In re Fuel and purchase power cost recovery clause with generating performance incentive factor

1 6

Docket No. 050001-EI

Filed: February 21, 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 Request No. 16 of Staff's Fifth Request for Production of Documents. In support of this Request, Progress Energy states:

1. In response to Request No. 16 of Staff's Fifth Request for Production of Documents, 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 in yellow.

4. The information identified in Exhibit A for which Progress Energy requests confidential classification is "proprietary confidential business information" within the meaning of Section 366.093(3), F.S. The documents include correspondence which reveals the names of gas suppliers from which Progress Energy and/or its affiliates purchase gas, contact information for the gas suppliers, as well as gas supply sources. Release of this information would be detrimental to the interests of Progress Energy and its customers, since it would provide competitors with a list of the Company's gas suppliers. If this information is released, future gas supply transactions may be put at undue risk, and efforts to contract for goods and services on favorable terms would be impaired. Furthermore, the Company is contractually obligated not to disclose such information. Accordingly, this information is subject to confidential treatment under Section 366.093(3)(d), F.S. The Commission consistently has held that the identity of gas suppliers is subject to confidential treatment. *See e.g.*, Order No. PSC-02-0379-CFO-GU issued March 21, 2002, in Docket No. 020003-GU; Order No. 01-1186-CFO-GU issued May 25, 2001 in Docket No. 010003-GU.

2

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 day of February, 2005.

Gary V. Perko

Florida Bar No. 855898 Hopping Green & Sams, P.A. 123 S. Calhoun Street (32301) Post Office Box 6526 Tallahassee, FL 32314 Telephone: 805-425-2359 Facsimile: 805-224-8551

Attorney for PROGRESS ENERGY FLORIDA

EXHIBIT A

Document Description	Page No(s).	Line No(s).	Justification
Letter from Gas Supplier (#1)	1	1-16	§ 366.093(3)(d), F.S.
			(See ¶4 of Request)
Letter from Gas Supplier (#2)	1 .	1-16	§ 366.093(3)(d), F.S.
			(See ¶4 of Request)
Letter from Gas Supplier (#3)	1	1-12	§ 366.093(3)(d), F.S.
			(See ¶4 of Request)
Letter from Gas Supplier (#4)		1-13	§ 366.093(3)(d), F.S.
			(See ¶4 of Request)
Letter from Gas Supplier (#5)	1	1-16	§ 366.093(3)(d), F.S.
			(See ¶4 of Request)
Letter from Gas Supplier (#6)	1	1-16	§ 366.093(3)(d), F.S.
			(See ¶4 of Request)
Letter from Gas Supplier (#7)	1	1-12	§ 366.093(3)(d), F.S.
	2	1	(See ¶4 of Request)
Letter from Gas Supplier (#8)	1	1-10	§ 366.093(3)(d), F.S.
			(See ¶4 of Request)
Letter from Gas Supplier (#9)	1	1-10	§ 366.093(3)(d), F.S.
			(See ¶4 of Request)
Letter from Gas Supplier (#10)	1	1-12	§ 366.093(3)(d), F.S.
	2	1-7	(See ¶4 of Request)
Letter from Gas Supplier (#11)	1	1-13	§ 366.093(3)(d), F.S.
	2	1-6	(See ¶4 of Request)
Letter from Gas Supplier (#12)	1	1-12	§ 366.093(3)(d), F.S.
			(See ¶4 of Request)
Letter from Gas Supplier (#13)	1	1-11	§ 366.093(3)(d), F.S.
			(See ¶4 of Request)
Letter from Gas Supplier (#14)	1	1-16	§ 366.093(3)(d), F.S.
			(See ¶4 of Request)
Letter from Gas Supplier (#15)	1	1-12	§ 366.093(3)(d), F.S.
			(See ¶4 of Request)
Letter from Gas Supplier (#16)	1	1-12	§ 366.093(3)(d), F.S.
			(See ¶4 of Request)
Letter from Gas Supplier (#17)	1	1-12	§ 366.093(3)(d), F.S.
			(See ¶4 of Request)

PROGRESS ENGERY FLORIDA Confidentiality Justification