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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION MAR 16 PM 3: 53

In re: Progress Energy Florida, Inc.'s)
 petition for approval of storm cost) Docket No.: 041272-E I
 recovery clause for extraordinary) COMMISSION
 expenditures related to Hurricanes) CLERK
 Charley, Frances, Jeanne, and Ivan.) Submitted for Filing: March 16, 2005

PROGRESS ENERGY FLORIDA'S SIXTH REQUEST FOR 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 Request for Confidential Classification of PEF's responses to Commission Staff's Third Request for Production of Documents to Progress Energy Florida, Inc. (Nos. 12-13). PEF's responses to Staff's Request for Production, Requests 12 and 13, contain information related to PEF's competitive business interests, the disclosure of which would impair PEF's competitive business. Accordingly, PEF hereby submits the following.

Basis for Confidential Classification

Subsection 366.093(1), Florida Statutes, provides that "any records received by the Commission which are shown and found by the Commission to be proprietary

CMP _____ confidential business information shall be kept confidential and shall be exempt from [the
 COM _____ Public Records Act]." § 366.093(1), Fla. Stats. Proprietary confidential business
 CTR _____ information means information that is (i) intended to be and is treated as private
 ECR | _____
 GCL | _____ confidential information by the Company. (ii) because disclosure of the information
 OPC _____ would cause harm. (iii) either to the Company's ratepayers or the Company's business
 MMS _____ operation, and (iv) the information has not been voluntarily disclosed to the public. §
 RCA _____
 SCR _____ 366.093(3), Fla. Stats. Specifically, subsection 366.093(3)(e) defines "information

SEC | _____
 OTH | conf records
PPA#1998605.1

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relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information,” as proprietary confidential business information.

Responses to Staff's Document Requests 12 and 13

Portions of PEF's responses to Staff's Document Requests 12 and 13 should be afforded confidential treatment for the reasons set forth in the Affidavit of Javier Portuondo filed in support of PEF's Sixth Request for Confidential Classification and for the following reasons. Staff's Document Requests 12 and 13 call for documents that contain information regarding PEF's projected budgets, budget variances, and internal business operations plans. These documents (bearing Bates ranges PEF-SR-09865 – PEF-SR-09879, PEF-SR-00361 – PEF-SR-00369, PEF-SR-00328 – PEF-SR-00360, PEF-SR-00370 – PEF-SR-00652, PEF-SR-00653 – PEF-SR-01157, PEF-SR-02166 – PEF-SR-02194) contain proprietary confidential business information that is intended to be and is treated as private confidential information that has not been voluntarily disclosed to the public. See Affidavit of Javier Portuondo at 6. PEF is requesting confidential classification of its responses because public disclosure of the documents and information in question would impair PEF's competitive business. Specifically, if PEF's suppliers or competitors were made aware of PEF's estimated budgets, budget variances, or internal business plans, they may adjust their behavior in the market place with respect to activity such as pricing and the acquisition and provision of goods, materials, and services. See Affidavit of Javier Portuondo at 5.

Conclusion

The competitive, confidential information at issue in this request fits the statutory definition of proprietary confidential business information under Section 366.093 and Rule 25-22.006, F.A.C., and that information should be afforded confidential classification. In support of this motion, PEF has enclosed the following:

(1). A separate, sealed envelope containing one copy of the confidential Appendix A to PEF's Sixth 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 a decision on PEF's request by the Florida Public Service Commission;**

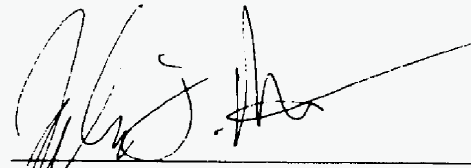
(2). Two copies of the confidential responses with the information for which PEF intends to request confidential classification redacted by section, page, or lines where appropriate as Appendix B; and

(3). A justification matrix supporting PEF's request for confidential classification of the highlighted information contained in confidential Appendix A, as Appendix C.

WHEREFORE, PEF respectfully requests that portions of its responses to Staff's Third Request for Production of Documents, Requests 12-13, be classified as confidential for the reasons set forth above.

Respectfully submitted this 16th day of March, 2005.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to the following individuals as indicated in the service list on this 16th day of March , 2005.

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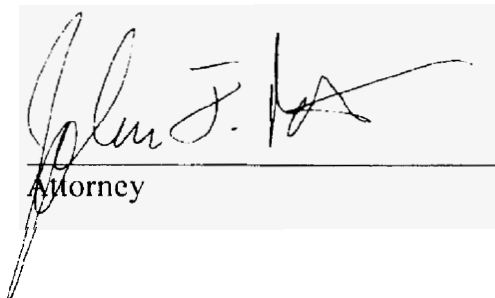
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