

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Bureau of Regulatory Review)
Focused Electric Service Quality Review) Docket No.: 050000
February-July, 2005, Regarding Progress)
Energy Florida, Inc.) Submitted for Filing: April 5, 2005

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 Document Request 1 in this matter. On March 15, 2005, PEF filed a Notice of Intent to Request Confidential Classification with respect to documents bearing Bates ranges PEF 000001 through PEF 000114. Subsequently on March 24, 2005, PEF filed an Amended Notice of Intent to Request Confidential Classification regarding additional documents produced, bearing Bates ranges PEF 000115 through PEF 000129. PEF therefore files this Request for Confidential Classification within the twenty-one day period set out in Rule 25-22.006, F.A.C. PEF's responses to Staff's Document Request 1 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.

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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 confidential business information shall be kept confidential and shall be exempt from [the Public Records Act]." § 366.093(1), Fla. Stats. Proprietary confidential business information means information that is (i) intended to be and is treated as private

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confidential information by the Company, (ii) because disclosure of the information would cause harm, (iii) either to the Company's ratepayers or the Company's business operation, and (iv) the information has not been voluntarily disclosed to the public. § 366.093(3), Fla. Stats. Specifically, subsection 366.093(3)(e) defines "information 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 Request 1

Portions of PEF's responses to Staff's Document Request 1 should be afforded confidential treatment for the reasons set forth in the Affidavit of Loise Lopez filed in support of PEF's Request for Confidential Classification and for the following reasons. Staff's Document Request 1 calls for documents that contain information regarding PEF's confidential and proprietary internal audits and studies of PEF's programs and contracts. These documents (bearing Bates ranges PEF 000001 – PEF 000129) 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 Loise Lopez 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 internal audits and studies, 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 Loise Lopez 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 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 Document Request 1 be classified as confidential for the reasons set forth above.

Respectfully submitted this 5th day of April, 2005.

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