

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION 05 APR 29 PM 4:53

COMMISSION
CLERK

In re: Petition for rate increase by
Progress Energy Florida, Inc.

Docket No. 050078-EI
Submitted for filing:
April 29, 2005

**PROGRESS ENERGY FLORIDA'S FIRST 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 for certain schedules to PEF's Minimum Filing Requirements ("MFRs") attached to PEF's Petition for Rate Increase. Specifically, portions of the schedules to the MFRs contain Progress Energy's projected and estimated figures for short and long term debt, off balance sheet obligations, preferred stock, and common equity, along with other sensitive business information that PEF does not make publicly available. Accordingly, PEF hereby submits the following.

Basis for Confidential Classification

Subsection 366.093(1), Florida Statutes, provides that "any records received by

JMP _____ the Commission which are shown and found by the Commission to be proprietary
 COM _____ confidential business information shall be kept confidential and shall be exempt from [the
 CTR _____ Public Records Act]." § 366.093(1), Fla. Stats. Proprietary confidential business
 ECR 1 _____ information means information that is (i) intended to be and is treated as private
 GCL 1 _____ 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
 NMS _____ operation, and (iv) the information has not been voluntarily disclosed to the public. §
 RCA _____
 ECR _____
 EC 1 _____

JTH 1 copy
records
TPA#2011620.1

RECEIVED & FILED
Oh

DOCUMENT NUMBER-DATE
04234 APR 29 05
EPSC-COMMISSION CLERK

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.

Portions of the aforementioned schedules should be afforded confidential treatment for the reasons set forth in the Affidavit of Thomas R. Sullivan filed in support of PEF’s First Request for Confidential Classification and for the following reasons. Portions of those schedules 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 Thomas R. Sullivan at ¶ 6.

The schedules in question contain projected and estimated figures for short and long term debt, off balance sheet obligations, preferred stock, and common equity, along with other sensitive business information that Progress Energy does not make publicly available. The information at issue is proprietary confidential business information that would impair Progress Energy’s competitive business interests if it were disclosed to the public, Progress Energy’s suppliers, or to Progress Energy’s competitors. Specifically, if Progress Energy’s suppliers, investors, or competitors were made aware of Progress Energy’s estimated figures for short and long term debt, off balance sheet obligations, preferred stock, and common equity, 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 Thomas R. Sullivan 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. Separate sealed envelopes containing one copy of the confidential exhibits for which PEF intends to request confidential classification with the appropriate section, pages, or lines containing the confidential information highlighted is enclosed herewith as Attachment "A." **This information should be accorded confidential treatment pending a decision on PEF's request by the Florida Public Service Commission.**

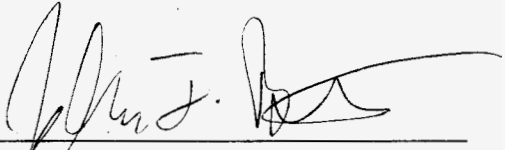
Additionally, two copies of the confidential exhibits with the information that PEF intends to request confidential classification redacted by section page, or lines, are also included herewith as Attachment "B."

Attachment "C" hereto contains a justification matrix supporting PEF's request for confidential classification of the highlighted information contained in Attachment A.

WHEREFORE, PEF respectfully requests that the specified schedules to PEF's MFRs attached to PEF's Petition for Rate Increase, described specifically in Attachment C, be classified as confidential for the reasons set forth above.

Respectfully submitted this 29th day of April, 2005.

R. ALEXANDER GLENN
Deputy General Counsel – Florida
PROGRESS ENERGY SERVICE
COMPANY, LLC
100 Central Avenue, Ste. 1D
St. Petersburg, FL 33701
Telephone: (727) 820-5587



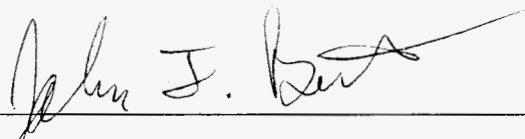
GARY L. SASSO
Florida Bar No. 622575
JAMES MICHAEL WALLS
Florida Bar No. 0706272
JOHN T. BURNETT
Florida Bar No. 173304
DIANNE M. TRIPLET

Facsimile: (727) 820-5519

Florida Bar No. 0872431
CARLTON FIELDS, P.A.
Post Office Box 3239
Tampa, FL 33601-3239
Telephone: (813) 223-7000
Facsimile: (813) 229-4133

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically and via U.S. Mail this ^{24th} ___ day of April, 2005 to all counsel of record as indicated below.



Attorney

Jennifer Brubaker **(without attachments)**
Felicia Banks
Jennifer Rodan
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Harold McLean **(without attachments)**
Office of the Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400

Mike B. Twomey **(without attachments)**
P.O. Box 5256
Tallahassee, FL 32314-5256
Counsel for AARP

C. Everett Boyd, Jr. **(without attachments)**
Sutherland Asbill & Brennan LLP
2282 Killearn Center Blvd.
Tallahassee, FL 32309
Counsel for White Springs

James M. Bushee **(without attachments)**
Daniel E. Frank
Andrew K. Soto
Sutherland Asbill & Brennan LLP
1275 Pennsylvania Avenue, N.W.
Washington, DC 20004-2415
Counsel for White Springs

John W. McWhirter, Jr. **(without attachments)**
McWhirter, Reeves, Davidson, Kaufman
& Arnold, P.A.
400 North Tampa Street, Ste. 2450
Tampa, FL 33601-3350
Counsel for Florida Industrial Power
Users Group

Timothy J. Perry **(without attachments)**
McWhirter, Reeves, Davidson, Kaufman
& Arnold, P.A.
117 South Gadsden Street
Tallahassee, FL 32301
Counsel for Florida Industrial Power
Users Group

Robert Scheffel Wright, **(without attachments)**
John T. LaVia, III,
Landers & Parsons, P.A.
310 West College Avenue (ZIP 32301)
Post Office Box 271
Tallahassee, Florida 32302

Karin S. Torain **(without attachments)**
PCS Administration, (USA), Inc.
Suite 400
Skokie blvd.
Northbrook, IL 60062