

Hopping Green & Sams

Attorneys and Counselors

Writer's Direct Dial No.
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May 20, 2005

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
CONFIDENTIAL INFORMATION ENCLOSED

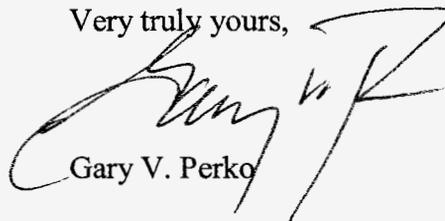
Dear Ms. Bayó:

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

- (1) The original and fifteen copies of PEF's Request for Confidential Classification, which identifies 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 A, which includes two redacted copies of the confidential document; and
- (3) A CONFIDENTIAL package containing Composite Exhibit B which includes one copy of the document 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

Enclosures

cc: certificate of service

DOCUMENT NUMBER-DATE

04974 MAY 20 05

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of Progress Energy Florida's Request for Confidential Classification have been provided by e-mail and by U.S. Mail, postage pre-paid, on May 20th, 2005, to the following:

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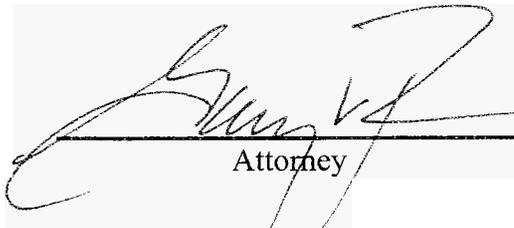
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Attorney

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of two unit power sales agreements with Southern Company Services, Inc. for purposes of cost recovery through capacity and fuel cost recovery clauses, by Progress Energy Florida, Inc.

DOCKET NO. 041393-EI

SERVED: May 20, 2005

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

Progress Energy Florida, Inc., ("Progress Energy" or "PEF"), 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 Exhibit No. ____ (SSW-6) in the Rebuttal Testimony of Samuel S. Waters on this date. In support of this Request, Progress Energy states:

1. Contemporaneously with this Request, Progress Energy is filing Rebuttal Testimony of Samuel S. Waters along with Exhibit Nos. ____ (SSW-5) and (SSW-6). As discussed further below Exhibit No. ____ (SSW-6) contains information that is "proprietary business information" under Section 366.093(3), Florida Statutes.

2. The following exhibits are included with this request:

(a) Composite Exhibit A is a package containing two copies of a redacted version of the document for which PEF 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 B is a package containing unredacted copies of the document for which PEF 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.

3. The information reflected in Exhibit No. __ (SSW-6) is “proprietary confidential business information” within the meaning of Section 366.093(3), F.S. The exhibit provides a comparison of the total fixed costs associated with two Unit Power Sales (UPS) Agreements between PEF and Southern Company services with the fixed costs included in response to PEF’s Request for Proposals for Hines Unit 4. Disclosure of the cost information associated with the UPS agreements would provide potential wholesale power suppliers with knowledge of pricing that PEF has negotiated. This knowledge would give suppliers significant competitive advantage in future negotiations because they would no longer need to make their best offers to ensure the competitiveness of their proposals. Furthermore, without assurances that the confidential terms of contracts will not be publicly disclosed, potential suppliers may be unwilling to contract with PEF. In either case, PEF’s efforts to contract for goods and services on favorable terms would be impaired by disclosure of the information. As such, the information constitutes proprietary confidential information under § 366.093(3)(d), F.S. Furthermore, the information relates to the competitive interests of PEF, its affiliates and Southern Company, the disclosure of which would impair their competitive businesses. *Id.* § 366.093(3)(e). Accordingly, such information is exempt from disclosure under the Public Records Act pursuant to Section 366.093(1), F.S.

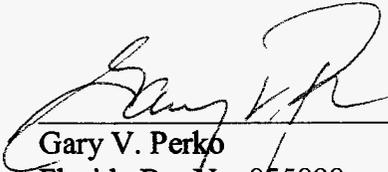
4. Although the cost information included in Exhibit No. __ (SSW- 6) for the RFP responses is not confidential because the respondents names are not identified, that information and/or the information on the y-axis of the chart could be used in combination with the information provided for the Southern Company UPS purchases to derive or estimate the confidential cost information for which PEF seeks confidential classification. For this reason, PEF requests that the entire chart be classified as confidential.

5. The information reflected in Exhibit No. ____ (SSW-6) is intended to be and is treated as confidential by PEF. The information has not been disclosed to the public.

6. Progress Energy requests that the information identified in Exhibit No. __ (SSW-6) 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 20th day of May, 2005.



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