

# Hopping Green & Sams

Attorneys and Counselors

Writer's Direct Dial No.  
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June 1, 2005

## BY ELECTRONIC FILING

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Director, Records and Reporting  
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2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

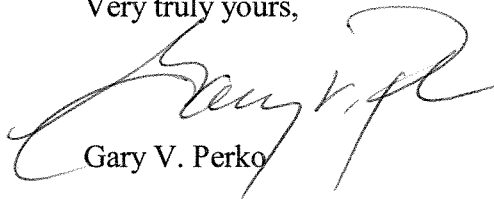
Re: Progress Energy Florida -- Docket No. 041393  
**CONFIDENTIAL MATERIAL ENCLOSED**

Dear Ms. Bayó:

Enclosed for filing on behalf of Progress Energy Florida is a Notice of Intent to Request Confidential Classification of confidential documents identified by White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate - White Springs, for potential use at hearing in this matter.

By copy of this letter, the Notice of Intent to Request Confidential Classification has been furnished to the parties on the attached service list. If you have any questions regarding this filing, please call.

Very truly yours,



Gary V. Perko

GVP/mee  
Enclosures  
cc: Certificate of Service

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing have been provided by e-mail and by U.S. Mail, postage pre-paid, on June 15<sup>th</sup>, 2005, to the following:

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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

FILED: June 1, 2005

**NOTICE OF INTENT TO REQUEST CONFIDENTIAL CLASSIFICATION**

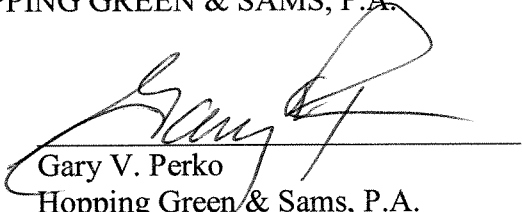
Progress Energy Florida, Inc. ("Progress Energy"), by and through its undersigned attorneys and pursuant to Rule 25-22.006, Florida Administrative Code, hereby gives notice that it intends to request confidential classification of confidential documents that intervener White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs may use at hearing in this matter. Specifically, White Springs has indicated it may use categories of confidential documents that Progress Energy produced to White Springs in response to certain document production requests (Nos. 4, 5, 9, 20, 22, 34, 46, and 52). The documents, which are voluminous and include numerous computer files, were produced under a Confidentiality Agreement between the parties. A copy of White Springs' notice of its potential intent to use the confidential information at hearing is appended hereto.

The material referenced above contains proprietary confidential business information regarding contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms, as well as information relating to competitive interests the disclosure of which would cause irreparable harm to Progress Energy within the meaning of Section 366.093(3), Florida Statutes. The information for which confidential classification is sought is intended to be and is treated by Progress Energy as private. A formal request for confidential classification will be filed within the time period specified in Rule 25-22.006 (3)(a), Florida Administrative Code, to the extent the materials identified by White Springs are actually used at hearing in this matter.

RESPECTFULLY SUBMITTED this 1<sup>st</sup> day of June, 2005.

HOPPING GREEN & SAMS, P.A.

By:

  
\_\_\_\_\_  
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Attorneys for Progress Energy Florida, Inc.

**From:** "Frank, Dan" <Daniel.Frank@sablaw.com>  
**To:** "Gary V. Perko (E-mail)" <garyp@hgslaw.com>, "Adrienne E. Vining (E-mail)" <avining@psc.state.fl.us>, <paul.lewisjr@pgnmail.com>, <Alex.Glenn@pgnmail.com>  
**Date:** 5/26/2005 4:19:50 PM  
**Subject:** Confidential Documents for Use in Hearing (041393-EI)

Set forth below is a list of documents that have been designated, or contain information that has been designated, by PEF as being confidential in this proceeding (Docket No. 041393-EI) and that White Springs may use at the hearing scheduled for June 2-3. By providing this list, we are not waiving -- and hereby reserve -- the right to use other documents that have been designated as confidential.

We also understand that PEF no longer seeks confidential treatment of the information contained in White Springs's Exhibit No. MEB-1 that was included with Mr. Brubaker's May 13, 2005 Direct Testimony. Finally, we understand that PEF has requested, or will request if it has not done so already, confidential classification for the documents listed below.

Please let me know if there are any questions.

Kind regards,  
Dan Frank  
Sutherland Asbill & Brennan LLP  
202-383-0838

Documents Containing Information Designated as Confidential

1. Direct Testimony of Maurice Brubaker
2. Exhibit No. MEB-4 (PEF's response to POD-13\*)
3. Exhibits to PEF's Petition: (a) Exhibit A - Franklin UPS Agreement, (b) Exhibit B - Scherer UPS Agreement, and (c) Exhibit C - Summary of Costs and Benefits of UPS Agreements
4. Direct Testimony of Samuel S. Waters
5. Supplemental Testimony of Samuel S. Waters
6. Exhibit No. SSW-6
7. PEF's response to POD-4
8. PEF's response to POD-5
9. PEF's response to POD-9
10. PEF's response to POD-20
11. PEF's response to POD-22
12. PEF's response to POD-23
13. PEF's response to POD-34
14. PEF's response to POD-46
15. PEF's response to POD-52

\*References to "POD-#" are references to White Springs's Request for Production of Documents to PEF.

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**CC:** "Bushee, James" <James.Bushee@sablaw.com>, "Richard A. Zambo (E-mail)" <richzambo@aol.com>, "Karin S. Torain (E-mail)" <kstorain@potashcorp.com>