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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 050078-EI  
Submitted for filing July 15, 2005

COMMISSION  
CLERK

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

Progress Energy Florida ("PEF" or the "Company"), pursuant to Section 366.093, Fla. Stats., and Rule 25-22.006, Florida Administrative Code, files this Seventh Request for Confidential Classification for confidential portions of PEF's responses to the White Springs's First Request for Production (Nos. 1-16), as Staff has requested copies of these responses. On June 24, 2005, PEF filed its Sixth Notice of Intent to Request Confidential Classification with respect to this information. PEF therefore files this Seventh Request for Confidential Classification within the twenty-one day period set out in Rule 25-22.006, Florida Administrative Code. Specifically, portions of PEF's responses to White Springs' Request 7 contain confidential studies with detailed analyses of potential future locations for generation sites and, thereby, the disclosure of such sensitive business information to the public would adversely impact PEF's competitive business interest. 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 confidential business information shall be kept confidential and shall be exempt from [the

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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 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, “information relating to competitive interests” is defined as proprietary confidential business information if the disclosure of such information “would impair the competitive business of the provider of the information.” §366.093(3)(e), Fla. Stats.

The aforementioned discovery sought by Staff should be afforded confidential treatment because portions of the responses to these requests for production contain confidential information relating to PEF’s competitive interests. Public disclosure of the information in question would compromise PEF’s competitive business interests by disclosing sensitive business information.

#### **White Springs’ First Request for Production No. 7**

Portions of PEF’s response to White Springs’s First Request for Production Number 7 should be afforded confidential treatment for the reasons set forth in the Affidavit of Javier Portuondo filed in support of PEF’s Seventh Request for Confidential Classification and for the following reasons. Portions of the response to this Request contain confidential studies with detailed analyses of potential future locations for generation sites, the disclosure of which would adversely impact PEF’s competitive business interest. See Affidavit of Javier Portuondo at 5. Specifically, if PEF’s competitors, suppliers, and providers are made aware of these analyses, they may adjust

their behavior in the market place regarding the location of the sites and supplies necessary to build generation units. Id.

Strict procedures are established and followed to maintain the confidentiality of the terms of the confidential documents and information at issue, including restricting access to those persons who need the information to assist the Company, and restricting the number of those who have access to the information and documents. See Affidavit of Javier Portuondo at 6. At no time has the Company publicly disclosed the confidential information or documents at issue. Id. The Company has treated and continues to treat the information and documents at issue as confidential. Id.

#### Conclusion

Certain portions of the responses to the requests for production provided to White Springs and sought by Staff fit the statutory definition of proprietary confidential business information under Section 366.093 and Rule 25-22.006, Florida Administrative Code, 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 the responses to White Springs' First Request for Production of Documents (Nos. 1-16), Request 7, described specifically in Attachment C, be classified as confidential for the reasons set forth above.

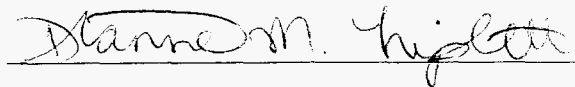
Respectfully submitted this 15th day of July, 2005.

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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 15<sup>th</sup> day of July, 2005 to all counsel of record as indicated below.



Attorney

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**PEF'S SEVENTH  
REQUEST  
FOR  
CONFIDENTIAL  
CLASSIFICATION**

**ATTACHMENT**

**B**

**REDACTED**

**PCS' FIRST REQUEST FOR PRODUCTION No. 7**  
**Bates numbers PEF-RC-021490 through PEF-RC-021693**



**PEF'S SEVENTH  
REQUEST  
FOR  
CONFIDENTIAL  
CLASSIFICATION**

**ATTACHMENT**

**C**

**ATTACHMENT C**

<b>DOCUMENTS</b>	<b>PAGE/LINE</b>	<b>JUSTIFICATION</b>
PEF's Response to White Springs' 1 <sup>st</sup> Request for Production No. 7	Bates Nos. PEF-RC-021490 through PEF-RC-021693: All information on pages.	§366.093(3)(e), Fla. Stat.  The information in question relates to PEF's competitive interests, the disclosure of which would impair PEF's competitive business interests.