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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

COMMISSION  
CLERK  
Docket No. 050078-EI  
Submitted for filing July 20, 2005

**PROGRESS ENERGY FLORIDA'S NINTH 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 Ninth Request for Confidential Classification for confidential portions of documents produced to Staff as part of PEF's Rate Case Audit, Audit Control No. 05-125-2-1. On June 30, 2005, Staff informed PEF by letter that certain workpapers would be held in a Temporary Confidential Status until the filing of a request for confidential classification. PEF files this Ninth Request for Confidential Classification within the twenty-one day period set out in Rule 25-22.006, Florida Administrative Code. Specifically, portions of the

CMP \_\_\_\_\_  
COM \_\_\_\_\_ workpapers at issue contain confidential notes regarding PEF's audits, information  
CTR \_\_\_\_\_ related to PEF's transactions with non-regulated businesses, and summaries of board  
ECR \_\_\_\_\_  
GCL 1 minutes regarding PEF's projected dividends and internal business plans, and, thereby,  
OPC \_\_\_\_\_ the disclosure of such sensitive business information to the public would adversely  
MMS \_\_\_\_\_ impact PEF's competitive business interest. Accordingly, PEF hereby submits the  
RCA 1  
SCR \_\_\_\_\_ following.  
SEC 1  
OTH 1 comp records

DOCUMENT NUMBER-DATE

06935 JUL 20 05

**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 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 workpapers produced to Staff should be afforded confidential treatment because portions of these workpapers contain confidential information relating to PEF’s competitive interests that, if disclosed to the public, would adversely impact PEF’s competitive business interests. Furthermore, public disclosure of the information in question (such as PEF’s confidential transactions with non-regulated businesses and internal business plans) would compromise PEF’s competitive business interests by disclosing sensitive business information.

**Workpapers 9-1 and 9-3 (Bates ranges PEF-RC-030169 through PEF-RC-030173)**

Portions of workpapers 9-1 and 9-3, Bates ranges PEF-RC-030169 through PEF-RC-030173, should be afforded confidential treatment for the reasons set forth in the

Affidavit of Javier Portuondo filed in support of PEF's Ninth Request for Confidential Classification and for the following reasons. Portions of these workpapers contain confidential notes and information regarding PEF's audits and, thereby, the disclosure of such sensitive business information to the public would adversely impact PEF's competitive business interest. See Affidavit of Javier Portuondo at 5. Specifically, if other third parties were made aware of PEF's confidential audit information, they may adjust their position in the marketplace to PEF's detriment. Id.

**Workpapers 10-22 (Bates ranges PEF-RC-030174 through PEF-RC-030176)**

Portions of workpapers 10-22, Bates ranges PEF-RC-030174 through PEF-RC-030176, should be afforded confidential treatment for the reasons set forth in the Affidavit of Javier Portuondo filed in support of PEF's Ninth Request for Confidential Classification and for the following reasons. Specifically, portions of these workpapers contain confidential details regarding non-regulated services PEF provides to various entities, and thereby, the disclosure of such sensitive business information to the public would adversely impact PEF's competitive business interest. If PEF's suppliers or competitors were made aware of PEF's non-regulated transactions with these entities, they may adjust their behavior in the market place with respect to activity such as pricing and the acquisition and provision of non-regulated goods, materials, and services. See Affidavit of Javier Portuondo at 6. Specifically, PEF's suppliers and providers may decrease supply of such equipment or materials, and/or increase the cost and prices of such goods. Id.

**Workpapers related to PEF Board Minutes (Bates ranges PEF-RC-030177 through PEF-RC-030183)**

Portions of the workpapers related to PEF's board minutes, Bates ranges PEF-RC-030177 through PEF-RC-030183, should be afforded confidential treatment for the reasons set forth in the Affidavit of Javier Portuondo filed in support of PEF's Ninth Request for Confidential Classification and for the following reasons. Portions of these workpapers contain confidential information, such as PEF's expected dividends and internal business plans, the disclosure of which may impair PEF's competitive business interests. See Affidavit of Javier Portuondo at 7. Specifically, if investors were made aware of PEF's projected dividends, they may adjustment their investment behavior, which could have an effect on investment in the Company, potentially impairing PEF's position in the market. Id. Additionally, if PEF's suppliers or competitors were made aware of PEF's internal business plans or strategies, 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.

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, and access to the information and documents. See Affidavit of Javier Portuondo at 8. 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 interrogatories and requests for production sought by Staff and the Florida Retail Federation 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 workpapers produced to Staff in PEF's Rate Case Audit, specifically bearing Bates ranges PEF-RC-030169 through PEF-RC-030183, be classified as confidential for the reasons set forth above.

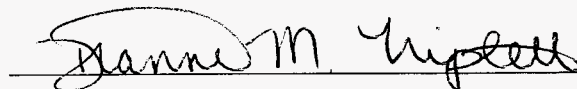
Respectfully submitted this 20th day of July, 2005.

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



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