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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.

Docket No. 050078-EI  
Submitted for filing August 2, 2005

COMMISSION  
CLERK

**PROGRESS ENERGY FLORIDA'S THIRTEENTH 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 Thirteenth Request for Confidential Classification for confidential portions of PEF's responses to Staff's Seventh Set of Interrogatories (Nos. 176-191), No. 183. On July 12, 2005, PEF filed its Eleventh Notice of Intent to Request Confidential Classification with respect to this information. PEF therefore files this Thirteenth Request for Confidential Classification within the twenty-one day period set out in Rule 25-22.006, Florida Administrative Code.

Specifically, portions of the attachment responsive to Staff's Interrogatory No.

CMP \_\_\_\_\_ 183 contain confidential contractual pricing arrangements (such as insurance invoices)  
COM \_\_\_\_\_  
CTR \_\_\_\_\_ between PEF and third parties that would adversely impact PEF's competitive business  
ECR 1 interests if disclosed to the public. Accordingly, PEF hereby submits the following.

**Basis for Confidential Classification**

GCL 1  
OPC \_\_\_\_\_  
RCA \_\_\_\_\_ Subsection 366.093(1), Florida Statutes, provides that "any records received by  
SCR \_\_\_\_\_ the Commission which are shown and found by the Commission to be proprietary  
SGA \_\_\_\_\_ confidential business information shall be kept confidential and shall be exempt from [the  
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OTH conf records Public Records Act]." §366.093(1), Fla. Stats. Proprietary confidential business

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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. Section 366.093(3)(d) further defines proprietary confidential business information as "information concerning bids or other 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." §366.093(3)(d), Fla. Stats.

The aforementioned discovery sought by Staff should be afforded confidential treatment because portions of the attachment to Interrogatory 183 contain proprietary confidential business information relating to PEF's contractual arrangements. Public disclosure of the information in question would compromise PEF's efforts to contract for goods and services on favorable terms.

**Attachment D to Staff's Seventh Set of Interrogatories No. 183**

Portions of PEF's attachment to Staff's Seventh Set of Interrogatories No. 183 should be afforded confidential treatment for the reasons set forth in the Affidavit of Javier Portuondo filed in support of PEF's Thirteenth Request for Confidential Classification and for the following reasons. Portions of the attachment responsive to Interrogatory 183 contain confidential contractual pricing arrangements (such as insurance invoices) between PEF and third parties that would adversely impact PEF's competitive business interests if disclosed to the public. See Affidavit of Javier

Portuondo at 5. If other third parties were made aware of confidential contractual terms that PEF has with other parties, they may offer PEF less competitive contractual terms in future contractual negotiations. 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 and documents to assist the Company. 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 response to the interrogatories 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 its response to Staff's Seventh Set of Interrogatories No. 183, described specifically in Attachment C, be classified as confidential for the reasons set forth above.

Respectfully submitted this 2nd day of August, 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 28 day of August, 2005 to all counsel of record as indicated below.



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