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STATE OF FLORIDA

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DIVISION OF THE COMMISSION CLERK
ADMINISTRATIVE SERVICES
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Public Service Commission

M-E-M-O-R-A-N-D-U-M

DATE: August 9, 2005

TO: _____ OFFICE OF THE GENERAL COUNSEL
_____ DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT
XX _____ DIVISION OF ECONOMIC REGULATION
_____ DIVISION OF REGULATORY COMPLIANCE
& CONSUMER ASSISTANCE

FROM: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

CMP _____
COM _____
CTR _____
ECR _____
GCL _____
OPC _____
RCA _____
SCR _____
SGA _____
SEC _____
OTH _____

DOCUMENT NO(s): 07723-05

DESCRIPTION: Progress (Perko) - (CONFIDENTIAL) Exhibit JP-1R to prefiled direct testimony of Javier Portuondo.

SOURCE: Progress Energy Florida, Inc.

DOCKET NO(S): 050001-EI

The above material was received with a filing of a request for confidential classification. Please prepare a recommendation for the attorney assigned to the case by completing the section below and forwarding a copy of this memorandum, together with a brief memorandum supporting your recommendation, to the attorney. Copies of your recommendation should also be provided to the Division of the Commission Clerk and Administrative Services, Bureau of Records and Hearing Services, and to the Office of General Counsel.

DOCUMENT NUMBER-DATE

07970 AUG 17 '05

FPSC-COMMISSION CLERK

Please read each of the following and check if applicable.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
 - (a) Trade secrets;
 - (b) Internal auditing controls and reports of internal auditors;
 - (c) Security measures, systems, or procedures;
 - (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company to contract for services on favorable terms;
 - (e) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
 - (f) Tax returns or tax-related information;
 - (g) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.
- The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
- The material appears not to be confidential in nature.
- The material is a periodic or recurring filing and each filing contains confidential information.

Response prepared by: Daniel Lee

Date: 8/16/2005

cc: GCL FLL
 CMP CCA
 ECR RCA
 MMS

Hopping Green & Sams

Attorneys and Counselors

Writer's Direct Dial No.
(850) 425-2359

August 9, 2005

BY HAND DELIVERY

Blanca Bayó
Director, Division of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Re: Docket 050001-EI
CONFIDENTIAL INFORMATION ENCLOSED

Dear Ms. Bayó:

Enclosed for filing in the above referenced docket on behalf of Progress Energy Florida, Inc. ("PEF") are the original and fifteen copies of the following:

- Pre-filed Direct Testimony of Javier Portuondo with a redacted version of Exhibit No. __ (JP-1R);
- Pre-filed Direct Testimony of Albert W. Pitcher; and
- PEF's Request for Confidential Classification for portions of Exhibit No. __ (JP-2), along with a package containing two redacted copies of the exhibit and a separate envelope labeled "CONFIDENTIAL" containing one unredacted copy of the exhibit with the confidential information highlighted in yellow.

I also have included a diskette containing the testimony and Request for Confidential Classification in Microsoft Word format.

By copy of this letter, all persons on the attached certificate of service have been provided copies of the above documents, except the unredacted version of Exhibit No. __ (JP-2).

DOCUMENT NUMBER - DATE

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Ms. Blanca Bayó
August 9, 2005
Page 2

Please acknowledge receipt and filing of the above by stamping the enclosed extra copies of the testimony and confidentiality request and returning them to me. If you have any questions concerning this filing, please contact me at 425-2359.

Thank you for your assistance in connection with this matter.

Very truly yours,

HOPPING GREEN & SAMS, P.A.

By:


Gary V. Perko

Attorneys for PROGRESS ENERGY FLORIDA, INC.

GVP/dwg
Enclosures
cc: Certificate of Service

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, on behalf of Progress Energy Florida, Inc., that true and correct copies of the Pre-filed Direct Testimony and Exhibits of Javier Portuondo and Albert Pitcher and Progress Energy's Request for Confidential Classification in Docket No. 050001-EI have been furnished by hand-delivery (*) or regular U.S. mail to the following this 10th day of August, 2005.

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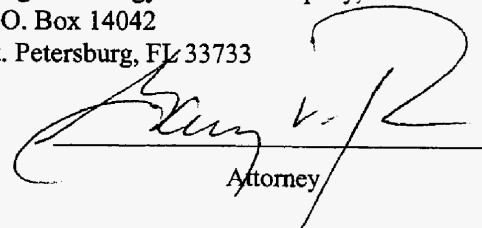
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Attorney

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re Fuel and purchase power cost)
recovery clause with generating)
performance incentive factor)
_____)

Docket No. 050001-EI

Filed: August 9, 2005

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

Progress Energy Florida, Inc., ("PEF" or the "Company"), 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 an exhibit to the direct testimony of Progress Energy witness Javier Portuondo dated August 9, 2005. In support of this Request, PEF states:

1. Contemporaneously with this Request, PEF is pre-filing the direct testimony and Exhibit No. __ (JP-1R) of Javier Portuondo. As further explained below, Mr. Portuondo's exhibit contains information that is "proprietary business information" under Section 366.093(3), Florida Statutes.

2. The following exhibits are included with this request:

(a) Exhibit A is a package containing two copies of a redacted version of the document for which the Company requests confidential classification. The specific information for which confidential treatment is requested has been blocked out by opaque marker or other means.

(b) Exhibit B is a package containing an unredacted copy of the document for which Progress seeks confidential treatment. Exhibit B is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted version, the information asserted to be confidential is highlighted in yellow.

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FPSC-COMMISSION STAFF

3. The information on lines 1-8, page 2, of Part D to Mr. Portuondo's Exhibit No. __, (JP-1R) includes data related to confidential wholesale power purchase and sale contracts. Specifically, the highlighted information provides the number of megawatts for each purchase or sale. In combination with other non-confidential cost data provided in the exhibit, this information could be used to determine the capacity charges for each contract. Disclosure of this information would enable wholesale providers to determine the prices of their competitors, which would likely result in greater price convergence in future negotiations. Suppliers would no longer need to make their best offers to ensure the competitiveness of their prices against the disclosed prices. Instead, suppliers could simply offer the highest prices that would allow them to maintain a marginally competitive position against the disclosed prices. As such, disclosure of the information would impair the Company's efforts to contract for goods or services on favorable terms. *See* § 366.093(3)(d), F.S. Additionally, disclosure of the capacity charges paid by Progress Energy's wholesale customers would provide an unfair advantage to competitors pursuing such customers. As such, the information relates to the competitive interests of Progress Energy and its affiliates, the disclosure of which would impair their competitive businesses. *Id.* § 366.093(3)(e). Accordingly, the information constitutes "proprietary confidential business information" which is exempt from disclosure pursuant to Section 366.093(1), F.S.¹

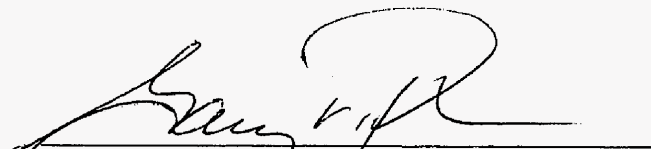
4. The information for which PEF seeks confidential classified is intended to be and is treated as confidential by the Company. The information has not been disclosed to the public.

¹ The Commission previously granted confidential classification of similar information in an exhibit to Mr. Portuondo's March 1, 2005, testimony in this docket. See Order No. PSC-05-0417-CFO-EI (April 19, 2005).

5. Progress Energy requests that the information identified above 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 9th day of August, 2005.



Gary V. Perko
Florida Bar No. 855898
Hopping Green & Sams, P.A.
Post Office Box 6526
Tallahassee, FL 32314

Attorneys for PROGRESS ENERGY FLORIDA