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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 050078-EI  
Submitted for filing August 23, 2005

**PROGRESS ENERGY FLORIDA'S SIXTEENTH 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 Sixteenth Request for Confidential Classification for confidential portions of PEF's responses to Staff's Eighth Request for Production (Nos. 57-64). On August 4, 2005, PEF filed its Fourteenth Notice of Intent to Request Confidential Classification with respect to this information. PEF therefore files this Sixteenth Request for Confidential Classification within the twenty-one day period set out in Rule 25-22.006, Florida Administrative Code.

Specifically, portions of the documents responsive to Staff's Request No. 59 contain meeting minutes from the Company's Board of Directors which disclose PEF's internal business plans and strategies. Public disclosure of such sensitive business information would impair PEF's competitive interests. Additionally, portions of documents responsive to Staff's Request No. 60 contain sensitive business information such as budgets, projected earnings, projected costs, and proprietary third party information, disclosure of which would also adversely impact PEF's competitive business interests. Accordingly, PEF hereby submits the following.

- MP \_\_\_\_\_
- OM \_\_\_\_\_
- TR \_\_\_\_\_
- CR 1
- ICL 1
- IPC \_\_\_\_\_
- RCA \_\_\_\_\_
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- SEC 1
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### **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 portions of PEF’s responses to Staff’s Eighth Request for Production should be afforded confidential classification because these portions contain proprietary confidential business information. Public disclosure of the information in question would impair PEF’s competitive business interests.

### **Staff’s Eighth Request for Production No. 59**

Portions of PEF’s response to Staff’s Request No. 59 should be afforded confidential treatment for the reasons set forth in the Affidavit of Javier Portuondo filed in support of PEF’s Sixteenth Request for Confidential Classification and for the following reasons. Portions of the documents responsive to Request No. 59 contain meeting minutes from the Company’s Board of Directors which disclose PEF’s internal

business plans and strategies. See Affidavit of Javier Portuondo at 5. If PEF's suppliers or competitors were made aware of PEF's internal business plans, strategies or analyses, 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. Id.

**Staff's Eighth Request for Production No. 60**

Portions of PEF's response to Staff's Request No. 60 should be afforded confidential treatment for the reasons set forth in the Affidavit of Javier Portuondo filed in support of PEF's Sixteenth Request for Confidential Classification and for the following reasons. Portions of the documents responsive to Request No. 60 contain sensitive business information such as budgets, projected earnings, projected costs, and proprietary third party information, the disclosure of which would adversely impact PEF's competitive business interests. See Affidavit of Javier Portuondo at 6. For example, if PEF's suppliers or providers were made aware of such budgets, projected earnings, projected costs, and/or proprietary third party information, they may adjust their behavior in the market place with respect to activity such as pricing and the provision of goods, materials, and services. 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 7. 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 PEF's responses to Staff's Eighth Request for Production 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

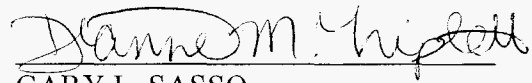
(3). A justification matrix supporting PEF's request for confidential classification of the highlighted information contained in confidential Appendix A, as Appendix C.

WHEREFORE, PEF respectfully requests that certain portions of PEF's responses to Staff's Eighth Request for Production, Requests 59 and 60, described specifically in

Attachment C, be classified as confidential for the reasons set forth above.

Respectfully submitted this 23<sup>rd</sup> 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 23<sup>rd</sup> day of August, 2005 to all counsel of record as indicated below.



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