

# Hopping Green & Sams

Attorneys and Counselors

Writer's Direct Dial No.  
(850) 425-2328

October 24, 2005

## **BY HAND DELIVERY**

Blanca Bayó  
Director Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

Re: Docket No. 050007-EI  
Request for Confidential Classification  
**CONFIDENTIAL MATERIALS ENCLOSED**

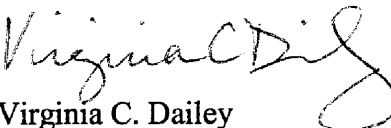
Dear Ms. Bayó:

Enclosed for filing on behalf of Progress Energy Florida, Inc., (PEF) are the following:

- (1) The original and seven copies of PEF's Request for Confidential Classification;
- (2) A package containing Exhibit A, which includes two redacted copies of the confidential documents; and
- (3) A CONFIDENTIAL package containing Exhibit B which includes one copy of the documents on which the confidential material has been highlighted.

Please stamp and return the enclosed extra copy of this filing. If you have any question regarding this filing, please contact the undersigned.

Very truly yours,

  
Virginia C. Dailey

VCD/dg  
Enclosures  
cc: certificate of service

DOCUMENT NUMBER-DATE

10329 OCT 24 05

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of Progress Energy Florida, Inc.'s Request for Confidential Classification in Docket No. 050007-EI have been furnished by hand-delivery (\*) or regular U.S. mail to the following this 24<sup>th</sup> day of October, 2005.

Marlene Stern (\*)  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Lee L. Willis, Esq.  
James D. Beasley, Esq.  
Ausley & McMullen  
P.O. Box 391  
Tallahassee, FL 32302

Joseph McGlothlin, Esq.  
Patricia Ann Christensen, Esq.  
Office of Public Counsel  
111 West Madison Street, Rm. 812  
Tallahassee, FL 32399

Jeffrey A. Stone, Esq.  
Russell A. Badders, Esq.  
Beggs and Lane  
P.O. Box 12950  
Pensacola, FL 32576

Florida Industrial Power Users Group  
c/o John W. McWhirter, Jr.  
McWhirter Reeves  
400 North Tampa Street, Suite 2450  
Tampa, FL 33602

Timothy J. Perry, Esq.  
McWhirter Reeves, et al.  
117 South Gadsden Street  
Tallahassee, FL 32301

Florida Power & Light Co.  
R. Wade Litchfield, Esq.  
Natalie F. Smith, Esq.  
700 Universe Blvd.  
Juno Beach, FL 33408-0420

Florida Power & Light Co.  
Bill Walker  
215 S. Monroe Street, Suite 810  
Tallahassee, FL 32301

John T. Butler, Esq.  
Squire, Sanders & Dempsey, LLP  
200 S. Biscayne Bay Blvd, Suite 4000  
Miami FL 33131-2398

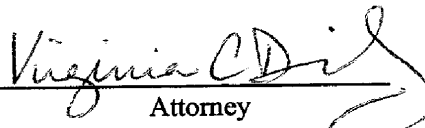
Gulf Power Company  
Susan Ritenour  
One Energy Place  
Pensacola, FL 32520-0780

Tampa Electric Company  
Angela Llewellyn  
Regulatory Affairs  
P.O. Box 111  
Tampa, FL 33601-0111

Messer Law Firm  
Norman Horton, Jr.  
P.O. Box 1876  
Tallahassee, FL 32302-1876

Florida Public Utilities Company  
Ms. Cheryl Martin  
P. O. Box 3395  
West Palm Beach, FL 33402-3395

R. Alexander Glenn  
Deputy General Counsel - Florida  
Progress Energy Service Company, LLC  
P.O. Box 14042  
St. Petersburg, FL 33733

  
Attorney

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Environmental cost recovery clause.

DOCKET NO. 050007-EI

FILED: October 24, 2005

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

Progress Energy Florida, Inc., ("Progress Energy" or "PEF"), 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 responsive to discovery requests of the Commission Staff ("Staff") in answers responsive to Staff's Sixth Set of Interrogatories, No. 33. In support of this Request, Progress Energy states:

1. In response to Interrogatory No. 33 of Staff's Sixth Set of Interrogatories (Nos. 32-34), PEF is providing "proprietary confidential business information" as that term is used in Section 366.093, Florida Statutes. Accordingly, PEF hereby requests confidential classification of the document pursuant to Rule 25-22.006(3)(a), Florida Administrative Code.

2. The following exhibits are included with this request:

(b) Exhibit A consists of two redacted copies of the document for which confidential treatment is requested. The information for which PEF requests confidential treatment is blacked out by opaque marker or otherwise labeled "REDACTED" where an entire page is confidential.

(c) Exhibit B is a package containing an unredacted copy of all the documents for which Progress seeks confidential treatment. Exhibit B is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." The information for which

DOCUMENT NUMBER-DATE  
10329 OCT 24 05  
FPSC-COMMISSION CLERK

PEF requests confidential treatment is highlighted in yellow or copied on yellow paper when an entire page includes confidential information.

3. Attachment A to PEF's Response to Staff's Interrogatory No. 33 includes information regarding milestones and projected costs for PEF's Clean Air Regulatory Compliance Program. Specifically, the highlighted information on Attachment A (all lines under columns labeled 2005 through 2012) provides PEF's estimates of costs that PEF expects to incur for specific types of work relating to specified projects at specified time periods. Disclosure of this information would enable potential vendors to determine the costs PEF expects to incur for these projects, which would likely result in an increase in the rates or prices offered by such potential vendors. Potential vendors would no longer need to make their best offers to ensure the competitiveness of their offers. Instead, vendors could simply offer the rates or prices that would allow them to remain within PEF's disclosed estimated costs. As such, the disclosure of this information would impair PEF's efforts to contract for goods or services on favorable terms under 366.093(3)(d), F.S. Accordingly, the information identified constitutes "proprietary confidential business information" which is exempt from disclosure under the Public Records Act pursuant to Section 366.093(1), F.S.


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

5. Progress Energy requests that the highlighted information on Attachment A 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 24<sup>th</sup> day of October, 2005.

  
\_\_\_\_\_  
Gary V. Perko  
Florida Bar No. 855898  
Virginia C. Dailey  
Florida Bar No. 419168  
Hopping Green & Sams, P.A.  
123 S. Calhoun Street (32301)  
Post Office Box 6526  
Tallahassee, FL 32314  
Telephone: 805-222-7500  
Facsimile: 805-224-8551

Attorneys for PROGRESS ENERGY FLORIDA

#232093