

# Hopping Green & Sams

Attorneys and Counselors

**ORIGINAL**

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

August 3, 2007

**BY HAND DELIVERY**

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

Re: Docket No. 070007-EI  
Request for Confidential Classification  
**CONFIDENTIAL MATERIALS ENCLOSED**

Dear Ms. Cole:

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;

06712-07

(2) A package containing Exhibit A, which includes two redacted copies of the confidential documents; and

06714-07

(3) A CONFIDENTIAL package containing Exhibit B which includes one copy of the documents on which the confidential material has been highlighted.

06713-07

CMP \_\_\_\_\_

COM \_\_\_\_\_

CTR \_\_\_\_\_

**ECR** \_\_\_\_\_

GCL 1

OPC \_\_\_\_\_

RCA \_\_\_\_\_

SCR GVP/dg

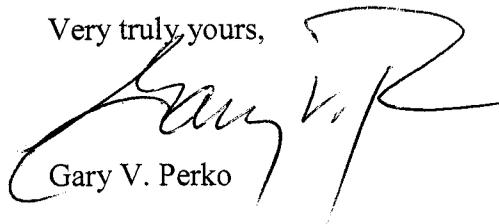
SGA Enclosures

SEC cc: certificate of service

OTH 1 cert records

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,



Gary V. Perko

DOCUMENT NUMBER - DATE

06712 AUG-3 5

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to all counsel of record and interested parties as listed below by regular U.S. mail this 3rd day of August, 2007.

Martha Carter Brown  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Gulf Power Company  
Susan Ritenour  
One Energy Place  
Pensacola, FL 32520-0781

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

Tampa Electric Company  
Paula K. Brown  
Regulatory Affairs  
P.O. Box 111  
Tampa, FL 33601-0111

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

R. Scheffel Wright  
John LaVia  
Young Law Firm  
225 South Adams Street, Suite 200  
Tallahassee, FL 32301

Jeffrey A. Stone, Esq.  
Russell A. Badders, Esq.  
Beggs & Lane Law Firm  
P.O. Box 12950  
Pensacola, FL 32591-2950

Florida Retail Federation  
John Rogers  
Post Office Box 10024  
Tallahassee, FL 32302

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

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

Florida Power & Light Co.  
R. Wade Litchfield, Esq.  
John T. Butler, Esq.  
700 Universe Blvd.  
Juno Beach, FL 33408-0420

John T. Burnett  
Associate General Counsel - Florida  
Progress Energy Service Company, LLC  
P.O. Box 14042  
St. Petersburg, FL 33733

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

  
\_\_\_\_\_  
Attorney

BEFORE THE PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Environmental Cost Recovery Clause.

DOCKET NO. 070007-EI

FILED: AUGUST 3, 2007

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

Progress Energy Florida, Inc., (“PEF” or “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 information included in the pre-filed testimony of Joseph McCallister submitted for filing contemporaneously with this Request. In support of this Request, Progress Energy states:

1. Contemporaneously with this request, PEF is submitting the pre-filed testimony of Mr. Joseph McCallister. Page 2, line 22, through Page 5, line 5, of Mr. McCallister’s testimony includes information concerning PEF’s strategy for procuring nitrogen oxide (“NOx”) emission allowances to comply with regulatory requirements of the Clean Air Interstate Rule (“CAIR”). Specifically, the information relates to the timing and potential costs of planned allowance purchases. This information could be used to determine when PEF intends to purchase nitrogen oxide (“NOx”) emission allowances and PEF’s current assessment of market prices. As discussed in Mr. McCallister’s pre-filed testimony, CAIR establishes certain seasonal and annual NOx emission compliance requirements. Although a seasonal NOx allowance market currently exists, CAIR’s effect on the market is uncertain. In addition, as a result of CAIR, a new annual NOx allowance market is developing with limited observed activity to date. As a result, allowance prices for annual NOx have been and could be volatile and future prices are uncertain. For these reasons, disclosure of the redacted information concerning allowance

DOCUMENT NUMBER-DATE

06712 AUG-35

FPSC-COMMISSION CLERK

market positions could put PEF at a competitive disadvantage in purchasing emission allowances on the market which could further contribute to price volatility to the detriment of PEF and its customers. As such, the redacted information constitutes confidential 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), F.S. As such, all of the information identified above constitutes “proprietary confidential business information” as that term is defined in Section 366.093, Florida Statutes, and is therefore exempt from disclosure under the Public Records Act.

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 unredacted copy of the document for which Progress Energy seeks confidential treatment. Exhibit B is being submitted separately in a sealed envelope labeled “CONFIDENTIAL.” In the unredacted versions, the information asserted to be confidential is highlighted in yellow.

3. The information redacted in Exhibit A and highlighted in Exhibit B is intended to be and is treated as confidential by the Company. The information has not been disclosed to the public.

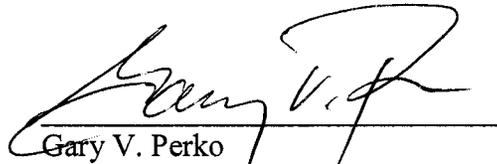
4. PEF requests that the information redacted in Exhibit A and highlighted in Exhibit B be classified as “proprietary confidential business information” within the meaning of section 366.093(3), F.S., that the information remain confidential for a period of at least 18 months as

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, Inc., respectfully requests that this Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 3<sup>rd</sup> day of August, 2007.

HOPPING GREEN & SAMS, P.A.



Gary V. Perko  
Florida Bar No. 855898  
Virginia C. Dailey  
Florida Bar No. 419168  
123 S. Calhoun Street (32301)  
Post Office Box 6526  
Tallahassee, FL 32314  
Telephone: 805-425-2359  
Facsimile: 805-224-8551

Attorneys for PROGRESS ENERGY FLORIDA

State of Florida



**CONFIDENTIAL**

**Public Service Commission**

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

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

---

**DATE:** 8/3/07.  
**TO:** Mr. Perico/Hopping Law Firm  
**FROM:** R. Nettles, Division of the Commission Clerk &  
Administrative Services  
**RE:** **Acknowledgment of Receipt of Confidential Filing**

---

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No. 070007-EI or (if filed in an undocketed matter) concerning Exhibit A, prefiled testimony of S. McCallister, and filed on behalf of Progress. The document will be maintained in locked storage.

Any questions regarding this matter should be directed to Marguerite Lockard at (850) 413-6770.

I:\Confid\ackconf.doc

PSC/CCA019-C(Rev 12/06)

DOCUMENT NUMBER-DATE

06713 AUG-3 07

FPSC-COMMISSION CLERK