

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

070595 - E1

In re: Customer Complaint of Hazel
Frankenberg.

Request No. 738796E

Dated: September 12, 2007

COMMISSION
CLERK

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

Progress Energy Florida, Inc., ("PEF" or "Company"), pursuant to Section 366.093, Fla. Stats., and Rule 25-22.006, Florida Administrative Code (F.A.C.), submits this Request for Confidential Classification for certain information provided in response to Staff's August 13, 2007 FPSC Supplemental Information Request. In support of this Request, PEF states:

Basis for Confidential Classification

Subsection 366.093(1), Florida Statutes, provides that "any records received by the

- CMP _____ Commission which are shown and found by the Commission to be proprietary confidential
- COM _____
- CTR _____ business information shall be kept confidential and shall be exempt from [the Public Records
- ECR 1 Act]." §366.093(1), Fla. Stats. Proprietary confidential business information means information
- GCL 1
- OPC _____ that is (i) intended to be and is treated as private confidential information by the Company, (ii)
- RCA _____ because disclosure of the information would cause harm, (iii) either to the Company's ratepayers
- SCR _____ or the Company's business operation, and (iv) the information has not been voluntarily disclosed
- SGA _____
- SEC _____ to the public. §366.093(3), Fla. Stats. Specifically, information that is "owned or controlled by
- OTH leaf records

DOCUMENT NUMBER-DATE

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the person or company, is intended to be and is treated by the person or company as private” is defined as proprietary confidential business information if the disclosure of such information “would cause harm to the ratepayers.” §366.093(3), Fla. Stats.

The aforementioned discovery sought by Staff should be afforded confidential treatment because portions of the responses contain proprietary confidential business information relating to a customer’s payment history with PEF and personal customer information. Public disclosure of the information in question may adversely impact the customer and could also compromise the confidentiality of the customer’s information, thereby compromising the company’s business interests.

Portions of Responses to Staff’s FPSC Supplemental Information Request

Portions of PEF’s responses to Staff’s FPSC Supplemental Information Request should be afforded confidential treatment for the reasons set forth in the Affidavit of Elaine McCallister filed in support of PEF’s Request for Confidential Classification and for the following reasons. PEF’s response to item 1 and item 4 contain confidential business information relating to the customer’s payment history with PEF as well as personal customer information that may adversely impact the customer and could also compromise the confidentiality of the customer’s personal information. *See* Affidavit of Elaine McCallister at ¶ 5.

As indicated in Exhibit C, the information for which Progress Energy requests confidential classification is “proprietary confidential business information” within the meaning of Section 366.093(3), Fla. Stats. Specifically, the information at issue relates to a customer’s payment history such as late payments, disconnect notices, late payment fees, delinquency notices, and customer communications concerning financial matters, the disclosure of which may

impair or reflect negatively on the customer's creditworthiness and may also compromise the security of the customer's personal information. *See* Affidavit of Elaine McCallister at ¶ 5. If other third parties were made aware of this confidential business information, PEF's competitive business interests could be compromised by loss of customer confidence with PEF and a potential for increased complaints and/or claims against PEF. *See* § 366.093(3)(e), Fla. Stats.; Affidavit of Elaine McCallister at ¶ 5.

Strict procedures are established and followed to maintain the confidentiality of customer payment history and personal information at issue, including restricting access to those persons who need the information and documents to assist the Company. *See* Affidavit of Elaine McCallister 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 PEF's response to Staff's August 13, 2007 FPSC Supplemental Information Request fit the statutory definition of proprietary confidential business information under Section 366.093 Fla. Stats. and Rule 25-22.006, F.A.C., and that information should be afforded confidential classification. In support of this motion, PEF has enclosed the following:

(1). Exhibit A is a package containing two copies of redacted versions of the documents 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.

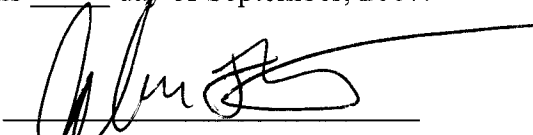
(2). A separate sealed envelope labeled "Exhibit B" is a package containing unredacted copies of all the documents for which PEF seeks confidential treatment. Exhibit B is being

submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted versions, the information asserted to be confidential is highlighted by yellow marker.

(3). Exhibit C is a justification matrix which identifies by page and line the information for which PEF seeks confidential classification and the specific statutory bases for seeking confidential treatment.

WHEREFORE, PEF respectfully requests that the information described specifically in Exhibit C, 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..

RESPECTFULLY SUBMITTED this ^{MTu} _____ day of September, 2007.

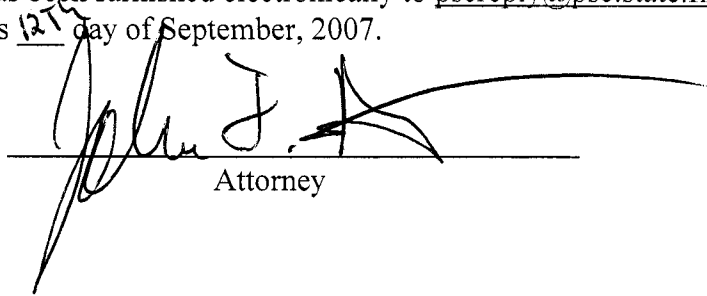


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Attorneys for
PROGRESS ENERGY FLORIDA, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Progress Energy Florida, Inc.'s Request for Confidential Classification in response to Staff's August 13, 2007 Supplemental Information Request No. 738796E has been furnished electronically to pscreply@psc.state.fl.us, without confidential attachments, this 12th day of September, 2007.



A handwritten signature in black ink, appearing to be 'John J. A.', is written over a horizontal line. The signature is stylized and extends above and below the line.

Attorney

STATE OF FLORIDA

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Public Service Commission

CONFIDENTIAL

070595

ACKNOWLEDGEMENT

DATE: 9/12/07

TO: R. Alexander Glenn, Progress

FROM: Ruth Nettles, Office of Commission Clerk

RE: **Acknowledgement of Receipt of Confidential Filing**

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 070595 or, if filed in an undocketed matter, concerning Customer Complaint of Hazel Frankenberg [Request No. 738796E], and filed on behalf of Progress Energy. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

DOCUMENT NUMBER - DATE
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