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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Petition for determination of need  
for Levy Units 1 and 2 nuclear power plants,  
by Progress Energy Florida, Inc.

Docket No. 080148-EI

Submitted for Filing: May 28, 2008

**PROGRESS ENERGY FLORIDA'S REQUEST FOR CONFIDENTIAL  
CLASSIFICATION REGARDING  
WHITE SPRINGS' SECOND SET OF INTERROGATORIES**

Progress Energy Florida ("PEF" or the "Company"), pursuant to Section 366.093, Fla. Stats., and Rule 25-22.006, F.A.C., files this Request for Confidential Classification for PEF's responses to White Springs' Second Set of Interrogatories, Number 15. Specifically, these responses contain sensitive, confidential contractual terms for nuclear goods and services, that if disclosed would impact PEF's ability to contract on favorable terms in the future and which would violate confidentiality provisions PEF has with third parties. In fact, these responses contain information which the third parties consider to be trade secrets. Accordingly, PEF hereby submits the following.

**Basis for Confidential Classification**

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

CMP \_\_\_\_\_  
ODM \_\_\_\_\_ Commission which are shown and found by the Commission to be proprietary confidential  
CTR \_\_\_\_\_ business information shall be kept confidential and shall be exempt from [the Public Records  
BUR 1 \_\_\_\_\_  
GOL 1 \_\_\_\_\_ Act]." § 366.093(1), Fla. Stats. Proprietary confidential business information means  
OPC \_\_\_\_\_ information that is (i) intended to be and is treated as private confidential information by the  
PCA \_\_\_\_\_ Company, (ii) because disclosure of the information would cause harm, (iii) either to the  
CCR \_\_\_\_\_ Company's ratepayers or the Company's business operation, and (iv) the information has not  
SEC \_\_\_\_\_ been voluntarily disclosed to the public. § 366.093(3), Fla. Stats. Specifically, subsection

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366.093(3)(e) defines “information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information,” as proprietary confidential business information. In addition, Section 366.093(3)(d) includes “information concerning bids or other 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” as proprietary confidential business information.

**White Springs’ Second Set of Interrogatories, No. 15**

PEF’s response to White Springs’ Second Set of Interrogatories, number 15, should be afforded confidential treatment for the reasons set forth in the Affidavit of Daniel L. Roderick filed in support of PEF’s Request for Confidential Classification and for the following reasons. Part of this response contains information regarding a contractual arrangement between PEF and a provider of nuclear equipment and services that would adversely impact PEF’s competitive business interests if disclosed to the public. See Affidavit of Daniel L. Roderick at ¶ 5. PEF must be able to assure this vendor that sensitive business information, such as the terms of its contract, will be kept confidential. Id. Indeed, the contract at issue contains a confidentiality provision that prohibit the disclosure of the terms of the contract to third parties, and the third party with whom PEF has contracted considers this information to be a trade secret. Id.

Specifically, the information at issue relates to competitively negotiated contractual data and other contractual terms, the disclosure of which would impair the efforts of the Company to negotiate these contracts on favorable terms. See § 366.093(3)(d), Fla. Stats.; Affidavit of Roderick at ¶ 5. If other third parties were made aware of confidential contractual terms that PEF has with other parties, they may offer PEF less competitive contractual terms in future contractual negotiations. Id. Without PEF’s measures to maintain the confidentiality of

sensitive terms in contracts between PEF and this nuclear contractor, the Company's efforts to obtain competitive contracts for the Levy Nuclear Project could be undermined. Id.

Upon receipt of this confidential information, and with its own confidential information, strict procedures are established and followed to maintain the confidentiality of the documents and information provided, including restricting access to those persons who need the information to assist the Company, and restricting the number of, and access to the information. (Id. at ¶ 6). At no time since receiving the information in question has the Company publicly disclosed that information. Id. The Company has treated and continues to treat the information at issue as confidential. Id.

### Conclusion

The competitive, confidential information at issue in this request fits the statutory definition of proprietary confidential business information under Section 366.093 and Rule 25-22.006, F.A.C. Separate sealed envelopes containing one copy of the confidential exhibits for which PEF intends to request confidential classification with the appropriate section, pages, or lines containing the confidential information highlighted is enclosed herewith as Attachment "A." ***This information should be accorded confidential treatment pending a decision on PEF's request by the Florida Public Service Commission.***

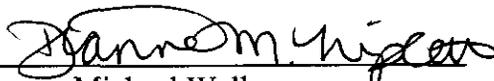
Additionally, two copies of the confidential exhibits with the information that PEF intends to request confidential classification redacted by section page, or lines, are also included herewith as Attachment "B."

Attachment "C" hereto contains a justification matrix supporting PEF's request for confidential classification of the highlighted information contained in Attachment A.

WHEREFORE, PEF respectfully requests that the responses to White Springs' Second Set of Interrogatories, Number 15, described specifically in Attachment C, be classified as confidential for the reasons set forth above.

Respectfully submitted this 28<sup>th</sup> day of May, 2008.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic and U.S. Mail this 28<sup>th</sup> day of May, 2008 to all parties of record as indicated below.

  
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**CONFIDENTIAL**

**Public Service Commission**

**ACKNOWLEDGEMENT**

DATE: May 28, 2008

TO: Dianne Triplett, Carlton Fields

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 080148 or, if filed in an undocketed matter, concerning response to White Springs' 2<sup>nd</sup> set of Interrogatories, No. 15, 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.

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