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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CLERK

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 29, 2008

**PROGRESS ENERGY FLORIDA'S EIGHTH REQUEST FOR CONFIDENTIAL CLASSIFICATION REGARDING STAFF'S SEVENTH INTERROGATORIES NOS. 113 AND 114**

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 the Staff's Seventh Interrogatories, Nos. 113 and 114. Specifically, such responses contain confidential information regarding contracts between PEF and outside vendors who provide fuel forecasting data, the disclosure of which would compromise PEF's competitive business interests. Accordingly, PEF hereby submits the following.

**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, subsection 366.093(3)(e) defines "information relating to competitive interests, the disclosure of which

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confidential business information. In addition, proprietary confidential business information 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.” §366.093(3)(d), Fla. Stats.

**Staff’s Seventh Interrogatories Nos. 113 and 114**

Portions of PEF’s responses to Staff’s Seventh Interrogatories numbered 113 and 114 should be afforded confidential treatment for the reasons set forth in the Affidavit of Sasha Weintraub filed in support of PEF’s Request for Confidential Classification and for the following reasons. Specifically, portions of the documents responsive to this request contain monthly emission allowance price forecasting data and market information, which PEF purchases from third party entities. The terms of the contracts under which PEF purchases these forecasts requires PEF to maintain the information contained in these reports as confidential. See Affidavit of Sasha Weintraub at 5. Disclosure of this information would violate the terms of those confidentiality agreements. In addition, if PEF disclosed this confidential forecasting data, the third parties that sell this data may be unwilling in the future to offer such information to PEF, which could adversely affect PEF’s competitive business interests in buying fuel. 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 terms 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 and contracts. (Id. at ¶ 6). At no time since receiving the information in question has the Company publicly disclosed that information or contracts. 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.**

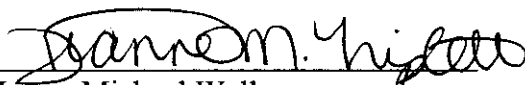
Additionally, two copies of the confidential exhibits with the information that PEF intends to request confidential classification redacted by section page, or lines, are also included herewith as Attachment "B."

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 the Staff's Seventh Interrogatories, Requests 113 and 114, described specifically in Attachment C, be classified as confidential for the reasons set forth above.

Respectfully submitted this \_\_\_\_\_ day of May, 2008.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished to counsel and parties of record as indicated below via electronic and U.S. Mail this \_\_\_ day of May, 2008.

  
Attorney

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**Public Service Commission**

**ACKNOWLEDGEMENT**

**DATE:** May 29, 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 responses to staff's 7th Interrogatories, Nos. 113 and 114, 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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