

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Fuel and purchased power cost
Recovery clause with generating performance
Incentive factor.

Docket No. 080001-EP
Submitted for Filing: July 9, 2008

**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 (F.A.C.), submits this Request for Confidential Classification for certain information provided in response to Staff's Second Request for Production (Nos. 9-11) propounded on PEF. In support of this Request, PEF states:

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), F.S. 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), F.S. Specifically, "information relating to

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competitive interests” is defined as proprietary confidential business information if the disclosure of such information “would impair the competitive business of the provider of the information.” §366.093(3)(e), F.S. Section 366.093(3)(d) further defines proprietary confidential business information as “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), F.S.

The aforementioned discovery sought by Staff should be afforded confidential treatment because portions of the responses contain proprietary confidential business information relating to PEF’s contractual arrangements. Public disclosure of the information in question would compromise PEF’s efforts to contract for goods and services on favorable terms.

Portions of Responses to Staff’s Second Request for Production of Documents

Portions of PEF’s responses to Staff’s Second Request for Production of Documents should be afforded confidential treatment for the reasons set forth in the Affidavits of Sandy Wyckoff and Will Garrett filed in support of PEF’s Request for Confidential Classification and for the following reasons. Portions of PEF’s response to question 9 and portions of response to question 11 contain contractual quantities and pricing arrangements between PEF and third parties (fuel suppliers, transportation providers, and capacity purchase and sales) that would adversely impact PEF’s competitive business interests if disclosed to the public. *See* Affidavit of Sandy Wyckoff at ¶ 5. *See* Affidavit of Will Garrett 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), F.S. Specifically, the information at issue relates to

competitively negotiated contractual data, such as quantity and pricing of fuel, capacity purchases and sales, and other contractual terms, the disclosure of which would impair the efforts of the Company or its affiliates to negotiate coal supply contracts, transportation contracts, and capacity purchases and sales contracts on favorable terms. *See* § 366.093(3)(d), F.S.; *See* Affidavit of Sandy Wyckoff at ¶ 5. *See* Affidavit of Will Garrett 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. *See* Affidavit of Sandy Wyckoff at ¶ 5. *See* Affidavit of Will Garrett at ¶ 5.

Strict procedures are established and followed to maintain the confidentiality of the terms of the confidential documents and information at issue, including restricting access to those persons who need the information and documents to assist the Company. *See* Affidavit of Sandy Wyckoff at ¶ 6. *See* Affidavit of Will Garrett 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 the Second Request for Production sought by Staff fit the statutory definition of proprietary confidential business information under Section 366.093 F.S. 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). A separate sealed envelope labeled "Exhibit A" is a package containing unredacted copies of all the documents for which PEF seeks confidential treatment. Exhibit A

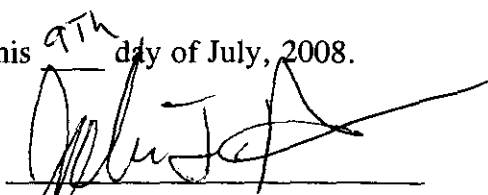
is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted versions, the information asserted to be confidential is highlighted by yellow marker.

(2). Exhibit B 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.

(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..

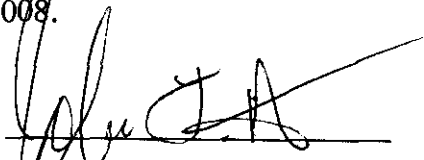
RESPECTFULLY SUBMITTED this 9th day of July, 2008.



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Telephone: 727-820-5184
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 Docket No. 080001-EI has been furnished by regular U.S. mail to the following this 9th day of July, 2008.


JOHN T. BURNETT

<p>Lisa Bennett, Esq. * Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850</p> <p>James D. Beasley, Esq. Lee L. Willis, Esq. Ausley & McMullen Law Firm P.O. Box 391 Tallahassee, FL 32302</p> <p>Joseph A. McGlothlin, Esq. Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, #812 Tallahassee, FL 32399</p> <p>Jeffrey A. Stone, Esq. Russell A. Badders, Esq. Steven R. Griffin Beggs & Lane Law Firm P.O. Box 12950 Pensacola, FL 32591</p> <p>Ms. Paula K. Brown Tampa Electric Company P.O. Box 111 Tampa, FL 33601</p> <p>Natalie F. Smith Florida Power & Light 215 S. Monroe Street, Ste. 810 Tallahassee, FL 32301-1859</p>	<p>Florida Industrial Power Users Group c/o John McWhirter, Jr. McWhirter Reeves Law Firm 400 N. Tampa Street, Ste. 2450 Tampa, FL 33602</p> <p>Norman H. Horton, Jr. Messer, Caparello & Self, P.A. P.O. Box 1876 Tallahassee, FL 32302-1876</p> <p>John T. Butler, Esq. Florida Power & Light Co. 700 Universe Boulevard Juno Beach, FL 33408</p> <p>Robert Scheffel Wright John T. LaVia, III Young van Assenderp, P.A. 225 S. Adams Street, Suite 200 Tallahassee, FL 32301</p> <p>AARP c/o Mike Twomey P.O. Box 5256 Tallahassee, FL 32314-5256</p> <p>Karen S. White, Lt. Col., USAF Damund E. Williams, Capt., USAF AFLSA/JACL-ULT 139 Barnes Drive, Suit 1 Tyndall Air Force Base, FL 32403-5319</p>
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Exhibit A

“CONFIDENTIAL”

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

Public Service Commission

CONFIDENTIAL

ACKNOWLEDGEMENT

DATE: July 9, 2008

TO: Alexander Glenn, Progress Energy

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 080001 or, if filed in an undocketed matter, concerning certain information provided in response to staff's 2nd request for PODs (Nos. 9-11), 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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