

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Petition for rate increase by
Progress Energy Florida, Inc.

Docket No. 090079-~~COMMISSION~~
Submitted for Filing: ~~March~~ 20, 2009

**PROGRESS ENERGY FLORIDA'S FIRST REQUEST
FOR CONFIDENTIAL CLASSIFICATION**

Progress Energy Florida ("PEF" or the "Company"), pursuant to Section 366.093, Fla. Stat., and Rule 25-22.006(3), F.A.C., files this Request for Confidential Classification for certain schedules to PEF's Minimum Filing Requirements ("MFRs") attached to PEF's Petition for Rate Increase. Specifically, portions of the schedules to the MFRs contain Progress Energy's projected and estimated figures for short term and long term debt, off balance sheet obligations, preferred stock, and common equity, along with other sensitive business information that PEF does not make publicly available. Accordingly, PEF hereby submits the following.

Basis for Confidential Classification

Section 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. Stat. 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. Stat. Specifically, "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" is defined as proprietary

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confidential business information. § 366.093(3)(d), Fla. Stat. Additionally, subsection 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.

Portions of the aforementioned schedule should be afforded confidential treatment for the reasons set forth in the Affidavit of Thomas R. Sullivan filed in support of PEF’s First Request for Confidential Classification and for the following reasons. Portions of those schedules contain proprietary confidential business information that is intended to be and is treated as private confidential information that has not been voluntarily disclosed to the public. See Affidavit of Thomas R. Sullivan at ¶ 5.

The schedules in question contain projected and estimated figures for short and long term debt, off balance sheet obligations, preferred stock, and common equity, along with other sensitive business information that PEF does not make publicly available. The information at issue is proprietary confidential business information that would impair Progress Energy’s competitive business interests if it were disclosed to the public, Progress Energy’s suppliers, or Progress Energy’s competitors. Specifically, if Progress Energy’s suppliers, investors, or competitors were made aware of Progress Energy’s estimated figures for short and long term debt, off balance sheet obligations, preferred stock, and common equity, they may adjust their behavior in the market place with respect to activities such as pricing and the acquisition and provision of goods, materials, and services. See id. at ¶ 4.

Conclusion

The competitive, confidential information at issue in this request fits the statutory definition of proprietary confidential business information under Section 366.093, Florida

Statutes, and Rule 25-22.006, F.A.C., and therefore that information should be afforded confidential classification. In support of this motion, PEF has enclosed the following:

(1) A separate, sealed envelope containing one copy of the confidential Appendix A to PEF's Request for Confidential Classification for which PEF intends to request confidential classification with the appropriate section, pages, or lines containing the confidential information highlighted. **This information should be accorded confidential treatment pending a decision on PEF's request by the Florida Public Service Commission;**

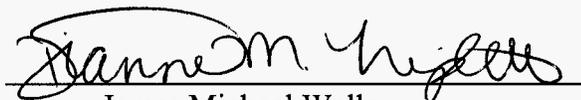
(2) Two copies of the documents with the information for which PEF intends to request confidential classification redacted by section, page, or lines where appropriate as Appendix B; and,

(3) A justification matrix supporting PEF's request for confidential classification of the highlighted information contained in confidential Appendix A, as Appendix C.

WHEREFORE, PEF respectfully requests that the specified schedules to PEF's MFRs attached to PEF's Petition for Rate Increase, described specifically in Attachment C, be classified as confidential for the reasons set forth above.

Respectfully submitted this 20th day of March, 2009.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished to counsel of record as indicated below via U.S. Mail this 20th day of March, 2009.



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Public Service Commission

ACKNOWLEDGEMENT

DATE: March 20, 2009

TO: Dianne M. Triplett, Esquire/Carlton Fields

FROM: Marguerite H. McLean, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket Number 090079-EI or, if filed in an undocketed matter, concerning portions of schedules to MFRs attached to petition for rate increase, and filed on behalf of Progress Energy Florida. The document will be maintained in locked storage.

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

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