

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Environmental Cost Recovery Clause.

DOCKET NO. 090007-EI

FILED: April 1, 2009

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**PROGRESS ENERGY FLORIDA INC.'S FIRST
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, submits this Request for Confidential Classification of information included in Exhibit No. __ (PQW-1) to the pre-filed testimony of Ms. Patricia Q. West. In support of this Request, Progress Energy states:

1. Contemporaneously with this request, PEF is filing the pre-filed testimony and Exhibit No. __ (PQW-1) of Ms. Patricia Q. West. PEF is requesting confidential classification of certain unit-specific information on lines 1 through 6 on page 10 of Exhibit No. __ (PQW-1) that could be used to determine unit outage schedules. As discussed in the affidavit of Brenda Brickhouse provided as Exhibit "A" to this Request, disclosure of this information could allow competitors to predict PEF's ability to make wholesale sales or its need to make purchases. Knowledge of this information could impair PEF's efforts to contract for goods or services (i.e., power purchases) on favorable terms because potential power providers would no longer need to make their best offers to ensure the competitiveness of their rates. Instead, suppliers could simply offer the highest rates that would allow them to maintain a marginally competitive

position against the Company's cost of generation. As such, disclosure of the information would impair the Company's efforts to contract for goods or services on favorable terms. See § 366.093(3)(d), F.S.

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2. In addition, lines 1 through 6 on page 10 of Exhibit No. __ (PQW-1). The specific information refers to in-service dates for various pollution control projects. As discussed in Ms. Brickhouse's affidavit, such information could be used to determine when PEF intends to purchase emission allowances in order to comply with the Clean Air Interstate Rule ("CAIR"). CAIR establishes a new annual compliance period and emissions allowance market for nitrogen oxides ("NOx"). Allowance prices for annual NOx purchases could be very volatile especially during the first years of compliance under CAIR. Because it could be used by potential sellers of allowances to determine the timing of PEF's allowance purchases, disclosure of the information regarding pollution control project in-service dates could put PEF at a competitive disadvantage in purchasing emission allowances on the market which could further contribute to price volatility to the detriment of PEF and its customers. As such, the redacted information constitutes confidential 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 Commission previously granted confidential classification for pollution control project in-service dates in Order No. PSC-07-0676-CFO-EI issued in Docket No. 070007-EI on August 21, 2007.

3. The following exhibits are included with this request:

(a) Attached to this request is Exhibit A, which is an affidavit of Brenda Brickhouse in support of this Request.

(b) Exhibit B is a package containing two copies of redacted versions of the document 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.

(c) Exhibit C is a package containing unredacted copies of all the document for which Progress Energy seeks confidential treatment. Exhibit C is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted version, the information asserted to be confidential is highlighted in yellow.

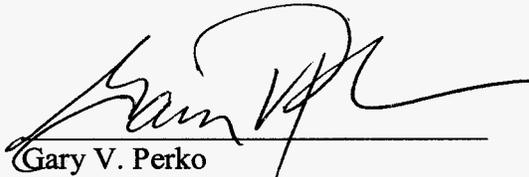
4. The highlighted information in Exhibit C is intended to be and is treated as confidential by the Company. The information has not been disclosed to the public.

5. PEF requests that the information identified in above and included 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.

WHEREFORE, for the foregoing reasons, Progress Energy Florida, Inc., respectfully requests that this Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this ^{15th} day of April, 2009.

HOPPING GREEN & SAMS, P.A.



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Attorneys for PROGRESS ENERGY FLORIDA

BEFORE THE PUBLIC SERVICE COMMISSION

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**AFFIDAVIT OF BRENDA BRICKHOUSE IN SUPPORT OF
PROGRESS ENERGY FLORIDA INC.'S FIRST
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF PINELLAS

Before me, the undersigned authority, personally appeared Brenda Brickhouse, who first being duly sworn, on oath deposes and says:

1. I am over eighteen (18) years of age and I have been authorized by Progress Energy Florida ("PEF") to submit this affidavit in support of PEF's First Request for Confidential Classification in this docket. The facts stated in this affidavit are based on my personal knowledge.

2. I am currently employed by PEF in the position of Director of Environmental, Health and Safety Services. In that capacity, I am responsible for environmental permitting and compliance support for Progress Energy Florida.

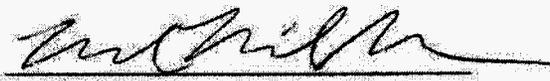
3. PEF is requesting confidential classification of certain information in Exhibit No. ___ (PQW-1) of the pre-filed testimony of Ms. Patricia Q. West. Specifically, lines 1 through 6 on page 10 of Exhibit No. ___ (PQW-1) include unit-specific information that could be used to determine unit outage schedules. Disclosure of the outage information could allow competitors to predict PEF's ability to make wholesale sales or its need to make purchases. Knowledge of this information could impair PEF's efforts to contract for goods or services (i.e., power



purchases) on favorable terms because potential power providers would no longer need to make their best offers to ensure the competitiveness of their rates. Instead, suppliers could simply offer the highest rates that would allow them to maintain a marginally competitive position against the Company's cost of generation.

4. In addition, line 1 through 6 on page 10 of Exhibit No. __ (PQW-1) include references to in-service dates for various pollution control projects. Such information could be used to determine when PEF intends to purchase emission allowances in order to comply with the Clean Air Interstate Rule ("CAIR"). CAIR establishes a new annual compliance period and emissions allowance market for nitrogen oxides ("NOx"). Allowance prices for annual NOx purchases could be very volatile especially during the first years of compliance under CAIR. Because it could be used by potential sellers of allowances to determine the timing of PEF's allowance purchases, disclosure of the information regarding pollution control project in-service dates could put PEF at a competitive disadvantage in purchasing emission allowances on the market which could further contribute to price volatility to the detriment of PEF and its customers.

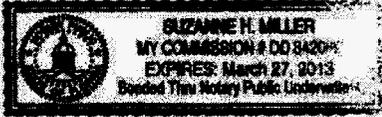
5. The information discussed above is intended to be and is treated as confidential by PEF. The information has not been disclosed to the public.


[SIGNATURE]

STATE OF FLORIDA

COUNTY OF PINELLAS

Sworn to and subscribed before me this 1st day of April, 2009, by Brenda Buckhauer is
personally know to me or provided _____ as identification.



Suzanne H Miller
NOTARY PUBLIC

Suzanne H Miller
[Print, type, or stamp commissioned name of notary
or clerk.]

STATE OF FLORIDA

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Public Service Commission

ACKNOWLEDGEMENT

DATE: April 1, 2009

TO: Gary Perko, Hopping Law Firm

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 090007 or, if filed in an undocketed matter, concerning Exhibit PQW-1 to prefiled testimony of Patricia Q. West, and filed on behalf of Progress Energy Florida, Inc. 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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