

Hopping Green & Sams

Attorneys and Counselors

Writer's Direct Dial No.
(850) 425-2359

April 16, 2009

BY HAND DELIVERY

Ann Cole
Director Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Re: Docket No. 090007-EI – Request for Confidential Classification

Dear Ms. Cole:

Enclosed for filing on behalf of Progress Energy Florida (PEF) are the following:

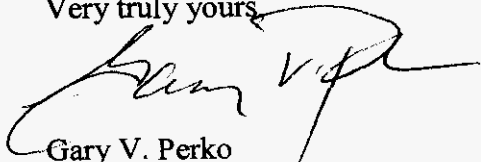
(1) The original and seven copies of its Request for Confidential Classification, including Exhibit A, which identifies by page and line the information for which PEF seeks confidential treatment.

(2) An envelope containing Composite Exhibit B, which includes two redacted copies of the confidential documents; and

(3) A CONFIDENTIAL envelope containing Composite Exhibit C which includes one copy of the documents on which the confidential material has been highlighted.

Please stamp and return the enclosed extra copy of this filing. If you have any questions regarding this filing, please contact the undersigned.

Very truly yours,



Gary V. Perko

Enclosures

COM	_____
LCR	_____
GCL	2 _____
OPC	_____
BCP	_____
BSC	_____
SGA	_____
ADM	_____
CLK	1 _____

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Progress Energy Florida's Request for Confidential Classification has been furnished to all counsel of record and interested parties as listed below by hand-delivery (*) or regular U.S. mail this 16th day of April, 2009.

Martha Carter Brown (*)
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Florida Power & Light Co.
Mr. Wade Litchfield
215 S. Monroe Street, Suite 810
Tallahassee, FL 32301

Lee L. Willis, Esq.
James D. Beasley, Esq.
Ausley Law Firm
P.O. Box 391
Tallahassee, FL 32302

Gulf Power Company
Susan Ritenour
One Energy Place
Pensacola, FL 32520-0780

Joseph McGlothlin, Esq. (*)
Charlie Beck, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Rm. 812
Tallahassee, FL 32399

Tampa Electric Company
Paula K. Brown
Regulatory Affairs
P.O. Box 111
Tampa, FL 33601-0111

Jeffrey A. Stone, Esq.
Russell A. Badders, Esq.
Beggs & Lane Law Firm
P.O. Box 12950
Pensacola, FL 32591-2950

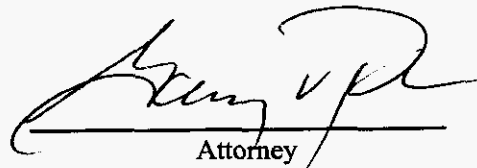
R. Alexander Glenn
Deputy General Counsel - Florida
Progress Energy Service Company, LLC
P.O. Box 14042
St. Petersburg, FL 33733

Florida Industrial Power Users Group
John W. McWhirter, Jr.
c/o McWhirter Law Firm
P.O. Box 3350
Tampa, FL 33601-3350

John T. Burnett
Associate General Counsel - Florida
Progress Energy Service Company, LLC
P.O. Box 14042
St. Petersburg, FL 33733

Florida Power & Light Co.
R. Wade Litchfield, Esq.
John T. Butler, Esq.
700 Universe Blvd.
Juno Beach, FL 33408-0420

Paul Lewis, Jr.
Progress Energy Florida, Inc.
106 East College Avenue, Suite 800
Tallahassee, FL 32301-7740


Attorney

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Environmental Cost Recovery Clause.

DOCKET NO. 090007-EI

FILED: APRIL 16, 2009

**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, submits this Request for Confidential Classification of information included in documents being provided to Staff in response to Staff's First Request for Production of Documents (Nos. 1-6) . In support of this request, PEF states:

1. Contemporaneously with this request, PEF is serving its responses to Staff's First Request for Production of Documents (Nos. 1-6). Among other things, Staff requests copies of contracts for consulting services and other work papers related to studies associated with the Department of Environmental Protection's development of Total Maximum Daily Loads (TMDLs) for mercury in State waters and rules regulating mercury emissions. In response to Staff's requests, PEF is providing a contract for consulting services between the Florida Electric Power Coordinating Group, Inc. (FCG), of which PEF is a member, and Atmospheric and Environmental Research, Inc., (AER), as well as a funding request document which summarizes the scope of work and costs for differing levels of service proposed by AER. These documents contain confidential contractual data, such as sensitive cost and staffing information, as well as other contractual terms which may be more favorable than terms offered to other AER clients. Additionally, the scope of work included with the contract and summarized in the funding

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request document contains competition sensitive proprietary information of AER. For the reasons discussed below, such information qualifies for confidential classification pursuant to Section 366.093, Florida Statutes.

2. The FCG and PEF negotiate with consultants to obtain competitive contracts for various consulting services. If the information for which PEF seeks confidential classification, particularly the pricing information and other contractual terms, is disclosed, the efforts of the FCG and PEF to obtain consulting services on favorable terms could be compromised by potential contractors changing their negotiating behavior when the FCG or PEF seek to negotiate similar contracts in the future. Likewise, in order to secure contracts, the FCG and PEF must be able to assure such companies that efforts will be made to ensure that sensitive business information, such as the terms of their contracts and proposals, will be kept confidential. Absent such measures, the companies would run the risk that sensitive business information that they provided in their contracts would be made available to the public and, as a result, end up in possession of potential competitors. Faced with that risk, persons or companies who otherwise would contract with the FCG or PEF might decide not to do so if the terms of their contracts or proposals were not kept confidential. Without measures to maintain the confidentiality of sensitive terms in contracts with consulting company's, the efforts of the FCG and PEF to obtain competitive contracts for consulting services could be undermined. For these reasons, the information for which Progress seeks confidential classification 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. Furthermore, disclosure of the sensitive information described above would impair the

competitive interests of AER. Accordingly, the information is entitled to confidential classification pursuant to Section 366.093(3)(d) and (e), Florida Statutes.

3. The following exhibits are included with this request:

(a) Exhibit A is a table which identifies the information for which PEF seeks confidential classification and the specific statutory bases for seeking confidential treatment;

(b) Composite Exhibit B is a package containing two copies of redacted versions of the documents for which the Company requests confidential classification. In the redacted version of the summary document discussed above, the confidential information has been blackened out by opaque marker or other means. Because the contract with AER is confidential in its entirety, Composite Exhibit B includes a single page indicating that the contract has been redacted in full.

(c) Composite Exhibit C is a package containing unredacted copies of the documents for which PEF seeks confidential treatment. Composite Exhibit C is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted versions of the summary document, the confidential information has been highlighted in yellow. Because the contract with AER has been redacted in its entirety, all pages are copied on yellow paper.

(d) Exhibit D is an affidavit of Patricia Q. West in support of this Request for Confidential Classification.

4. As discussed in Ms. West's affidavit, the information in Composite Exhibit C is intended to be and is treated as confidential by PEF and the FCG. The information has not been disclosed to the public.

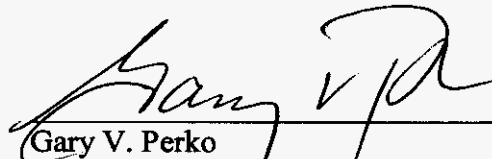
5. Progress Energy requests that the information identified in Composite Exhibit B be classified as "proprietary confidential business information" within the meaning of section

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.



Gary V. Perko
Florida Bar No. 855898
123 S. Calhoun Street (32301)
Post Office Box 6526
Tallahassee, FL 32314
Telephone: 805-425-2359
Facsimile: 805-224-8551

Attorneys for PROGRESS ENERGY FLORIDA

EXHIBIT "A"

JUSTIFICATION FOR CONFIDENTIAL CLASSIFICATION

Document	Bates No(s).	Line(s)	Column(s)	Statutory Justification
Agreement for Services between Florida Electric Power Coordinating Group, Inc. and Atmospheric and Environmental Research, Inc.	PEF-POD1-00325	1-12	N/A	§ 366.093(3)(d) and (e), Fla. Stat.
	PEF-POD1-00327	1-16	N/A	
	PEF-POD1-00328	1-28	N/A	
	PEF-POD1-00329	ALL	N/A	
	PEF-POD1-00330	ALL	N/A	
	PEF-POD1-00331	1-4	N/A	
	PEF-POD1-00332	1-11	N/A	
FGG Funding Request Document	PEF-POD1-00335	1-8, 11-15, 16-21	B	§ 366.093(3)(d) and (e), Fla. Stat.
		1-10, 16-22	D	

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental Cost Recovery Clause.

DOCKET NO. 090007-EI

FILED: APRIL 16, 2009

STATE OF FLORIDA)
COUNTY OF PINELLAS)

BEFORE ME, the undersigned authority, personally appeared Patricia Q. West, who, being first duly sworn deposes and says:

1. My name is Patricia Q. West. I am currently employed by the Environmental Health and Safety Services Section of Progress Energy Florida (PEF) as Manager of Environmental Services/Power Generation Florida. I have personal knowledge of the matters stated in this affidavit.
2. I have reviewed the documents and information included in Exhibit C to PEF's Request for Confidential Classification. The documents and materials in Exhibit C include contractual data, the disclosure of which would impair the efforts of the Florida Electric Power Coordinating Group (FCG), of which PEF is a member, and PEF to contract for good and services on favorable terms.
3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they should be returned to PEF as soon as the information is no longer necessary for the Commission to conduct its business so that PEF can continue to maintain the confidentiality of these documents.

Affiant says nothing further.

Patricia Q. West
Patricia Q. West

SWORN TO AND SUBSCRIBED before me this 15th day of April, 2009, by Patricia Q. West, who is personally known to me or who has produced _____ (type of identification) as identification and who had taken an oath.

My Commission Expires:
Sept 18, 2012

June C. Mooney



STATE OF FLORIDA

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



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

Public Service Commission

ACKNOWLEDGEMENT

DATE: April 17, 2009

TO: Gary V. 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 response to staff's 1st request for PODs, Nos. 1-6, 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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PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us