

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 090079-EI
ORDER NO. PSC-09-0309-CFO-EI
ISSUED: May 7, 2009

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NOS. 02465-09 AND 03025-09)

On March 20, 2009, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Progress Energy Florida, Inc. (PEF) filed a request for confidential classification of portions of certain schedules to PEF's Minimum Filing Requirements (MFRs) attached to its Petition for Rate Increase (Document No. 02465-09). On April 6, 2009, PEF amended its request for confidential classification (Document No. 03025-09).

Section 366.093(1), F.S., provides that records that the Commission has found to contain proprietary confidential business information shall be kept confidential and shall be exempt from Chapter 119, F.S., Florida's Public Records Act. Section 366.093(3), F.S., defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Section 366.093(3), F.S., provides that proprietary confidential business information includes:

- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

PEF contends that portions of the MFR schedules fall within these categories and thus constitutes proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. PEF contends that this information contains proprietary confidential business information that is intended to be and is treated as private and that has not been voluntarily disclosed to the public. PEF states that portions of the MFR schedules 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 Progress Energy, Inc. (Progress Energy) does not make publicly available. According to PEF, disclosure of this information would impair Progress Energy's competitive business interests. PEF states that 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 marketplace with respect to activities such as pricing and the acquisition and provision of goods, materials, and services.

The information for which PEF requests confidential classification and the ruling on each item is set forth in the following table.

DOCUMENT NUMBER-DATE

04370 MAY-7 8

FPSC-COMMISSION CLERK

Documents/Responses	Page/Line No	Ruling
MFR Schedule D-2	Page 2 of 4, Columns (G)-(J), Lines 3-7, 11-16	Grant
MFR Schedule D-2	Page 3 of 4, Columns (G)-(J), Lines 3-7, 11-16	Grant
MFR Schedule D-2	Page 4 of 4, Columns (G)-(J), Lines 3-7, 11-15	Grant

Upon review, it appears that the above-referenced information satisfies the criteria set forth in Section 366.093(3) (e), F.S. The information contains competitive business information, the disclosure of which would impair the company's ability to contract for the sale of goods and services on favorable terms. Therefore, confidential classification for Document No. 02465-09, as amended by Document No. 03025-09, is granted.

Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of 18 months from the date of issuance of this order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless PEF or another affected person shows, and the Commission finds, that the information continues to contain proprietary confidential business information.

Based on the foregoing, it is

ORDERED by Commission Nathan A. Skop, as Prehearing Officer, that Progress Energy Florida, Inc.'s Request for Confidential Classification of Document No. 02465-09, as amended by Document No. 03025-09, is granted as set forth in the body of this order. It is further

ORDERED that the information in Document No. 02465-09, as amended by Document No. 03025-09, for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of issuance of this order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Nathan A. Skop, as Prehearing Officer, this 7th day of May, 2009.



NATHAN A. SKOP
Commissioner and Prehearing Officer

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.