

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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COMMISSION
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IN RE: NUCLEAR POWER PLANT
COST RECOVERY CLAUSE

Docket No. 090009-EI
Submitted for Filing: June 4, 2009

**FIFTH NOTICE OF INTENT TO REQUEST
CONFIDENTIAL CLASSIFICATION**

Progress Energy Florida ("PEF" or the "Company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, files this Fifth Notice of Intent to Request Confidential Classification of the documents produced in response to Staff's Third Request for Production of Documents (Nos. 12-21), specifically in response to request number 12. These responsive documents were produced for PEF by third party consultants and contain sensitive, confidential and proprietary business information, the release of which would impair PEF's competitive business interests. Additionally, the release of these documents would violate the contractual confidentiality provisions under which they were prepared. For these reasons, PEF is requesting that the Commission afford these documents confidential classification.

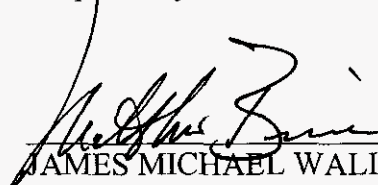
Pursuant to Rule 25-22.006(3)(a)(1), PEF will file its Request for Confidential

COM _____
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AD _____
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Classification for such confidential information contained therein within twenty-one (21) days of filing this request.

RC: This docketed notice of intent was filed with Confidential
SSC Document No. 05581-09 The document has been placed
SG in confidential storage pending timely receipt of a request
for confidentiality.

Respectfully submitted.



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DOCUMENT NUMBER-DATE

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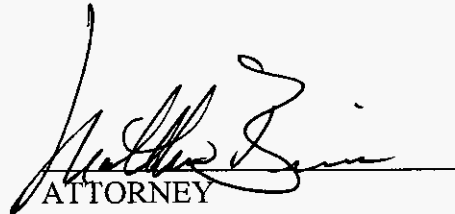
FPSC-COMMISSION CLERK

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished to counsel and parties of record as indicated below via electronic and U.S. Mail this 4th day of June, 2009.



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ANN COLE
COMMISSION CLERK
(850) 413-6770

Public Service Commission

ACKNOWLEDGEMENT

DATE: June 4, 2009

TO: Matthew R. Bernier, Esquire/Carlton Fields, P.A.

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 090009-EI [DN 05581-09] or, if filed in an undocketed matter, concerning documents produced in response to staff's 3rd request for PODs (Nos. 12-21), specifically No. 12, 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.