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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

09 AUG 13 PM 4:47

IN RE: PETITION FOR INCREASE IN RATES BY PROGRESS ENERGY FLORIDA, INC.

Docket No. 090079-EI COMMISSION Submitted for Filing: August 13, 2009 CLK

PEF'S 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 Notice of Intent to Request Confidential Classification of certain documents produced in response to the Florida Public Service Commission's Staff's ("Staff") Sixteenth Request for Production of Documents (No. 100), and Staff's Twenty-Second Set of Interrogatories (Nos. 267-270), specifically number 267. The information being provided in response to these requests contains confidential information relating to the Company's competitive interests, the release of which would harm the Company's competitive business interests. Specifically, the information contained in these responses incorporates and includes information obtained from the Company's third party vendors pertaining to pricing agreements pursuant to contractual confidentiality agreements. Additionally, the Company has produced similar information in response to earlier requests, and has at all times taken the appropriate steps to maintain its confidentiality. For these reasons, PEF requests that the Commission afford these documents confidential classification.

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PEF is providing a CD containing the confidential information in question, attached as Exhibit A.

Pursuant to Rule 25-22.006(3)(a)(1), PEF will file its Request for Confidential Classification for such confidential information contained therein within twenty-one (21) days of filing this request.

This docketed notice of intent was filed with Confidential Document No. 08432-09. The document has been placed in confidential storage pending timely receipt of a request for confidentiality.

DOCUMENT NUMBER-DATE

08431 AUG 13 09

FPSC-COMMISSION CLERK

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via electronic and U.S. Mail to the following counsel of record as indicated below on this 13th day of August, 2009.



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Public Service Commission

ACKNOWLEDGEMENT

DATE: August 13, 2009

TO: Matthew Bernier, Esquire/Carlton Fields

FROM: Marguerite Lockard, 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 certain documents produced in response to staff's 16th request for PODs (No. 100) and staff's 22nd set of interrogatories (No. 267), 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 Lockard, Deputy Clerk, at (850) 413-6770.

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