

Ruth Nettles

090079-EI

From: O'Neal, Barbara [boneal@carltonfields.com]
Sent: Tuesday, September 22, 2009 3:07 PM
To: Filings@psc.state.fl.us
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Subject: Electronic Filing Docket No. 090079
Attachments: Peter Toomey Affidavit and Notice.pdf

Matthew R. Bernier, Carlton Fields, P.A., 215 South Monroe Street, Ste. 500, Tallahassee, FL 32301, mbernier@carltonfields.com is the person responsible for this electronic filing;

The filing is to be made in Docket 090079-EI, In re: Petition for rate increase in rates by Progress Energy Florida, Inc.;

The attached document was filed: Notice of Filing Verified Affidavit of Peter Toomey and Verified Affidavit of Peter Toomey.

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DOCUMENT NUMBER-DATE

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9/22/2009

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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


Docket No. 090079-EI
Submitted for filing: September 22, 2009

**NOTICE OF FILING VERIFIED AFFIDAVIT OF PETER TOOMEY IN SUPPORT OF
PEF'S FOURTEENTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Notice is hereby given, through the undersigned counsel, on behalf of Progress Energy Florida, Inc. of filing the Verified Affidavit of PETER TOOMEY in support of Progress Energy Florida's Fourteenth Request for Confidential Classification.

Respectfully submitted,

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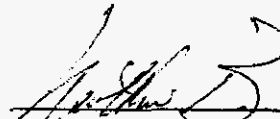

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CERTIFICATE OF SERVICE

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 22nd day of September, 2009.


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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 090079-EI
Filed: September 21, 2009

**AFFIDAVIT OF PETER TOOMEY IN SUPPORT OF PROGRESS ENERGY
FLORIDA'S FOURTEENTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF PINELLAS

BEFORE ME, the undersigned authority duly authorized to administer oaths, personally appeared Peter Toomey, who being first duly sworn, on oath deposes and says that:

1. My name is Peter Toomey. I am over the age of 18 years old and I have been authorized by Progress Energy Florida (hereinafter "PEF" or the "Company") to give this affidavit in the above-styled proceeding on PEF's behalf and in support of PEF's Fourteenth Request for Confidential Classification ("the Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the Vice President of Finance of Progress Energy Florida, Inc. As the Vice President of Finance, I am responsible for strategic planning, financial planning and forecasting, business planning, budgeting, cost management, management accounting, and key performance management.

3. In its Request, PEF is seeking confidential classification for certain information contained in its response to Staff's Twenty-Fourth Request for Production of Documents. An unredacted version of the information at issue is contained in confidential Appendix A to PEF's Request and the confidential portions thereof are outlined in PEF's Justification Matrix attached to the Request as Appendix C. PEF is requesting confidential classification of portions of this

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document because the release of this information would harm the Company's competitive business interests.

4. The Document PEF has provided in response to Staff's request contains certain confidential and proprietary information ("Information"), such as the detailed compensation amounts, including salary, bonuses, and pension information that the Company and Progress Energy Service, Co., pay to certain executives. The Information is controlled by the Company, is treated by the Company as private, and has not been publicly disclosed, with the exception of the compensation disclosed in the Company's Proxy.

5. The Information is confidential and proprietary in that it could harm PEF's competitive business interests if disclosed to the public, or to other utilities or businesses with which PEF competes for qualified employees. I am not aware of any such competing companies that publicly disclose this type of compensation information. Public disclosure of the Information could provide firms both inside and outside Florida with which PEF is constantly competing for qualified employees a competitive advantage in acquiring and retaining such employees. This could lead to increased employee hiring and training costs resulting from increased employee turnover, or a need to increase compensation to prevent such turnover. This overall increase in hiring costs, training costs, compensation would adversely impact PEF's business operations, could adversely impact rates paid by PEF's ratepayers.

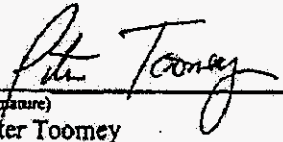
6. Public disclosure of the Information could give prospective employees an advantage in negotiating compensation packages, leading to increases in the overall amount of compensation paid to employees. This overall increase would adversely impact PEF's business operations, and could adversely impact rates paid by PEF's ratepayers.

7. For all the reasons identified in paragraphs 5 to 6, disclosure of the Information could adversely affect the Company's business operations, its competitive business interests, and, ultimately, its ratepayers.

8. PEF has established and follows strict procedures to maintain the confidentiality of the Information. Such procedures include, but are not limited to, restricting access to the Information to only those persons who require it to assist the Company. PEF has treated and continues to treat the Information contained in the schedules as confidential. Further, PEF has provided similar information in response to previous discovery requests and has at all times acted to protect its confidentiality.

9. This concludes my affidavit.

Dated this 21st day of September, 2009.



(Signature)
Peter Toomey
Vice President of Finance of Progress Energy Florida, Inc.

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 21st day of September, 2009 by Peter Toomey. He is personally known to me, or has produced his _____ driver's license, or his _____ as identification.



(Signature)

Eileen M. Clark

(Printed Name)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF _____

(Commission Expiration Date)

(Serial Number, if Any)

