

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

RECEIVED-FPSC  
09 SEP 22 PM 2:22  
COMMISSION  
CLERK

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

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

**PEF'S NINTH 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 the document marked as Exhibit No. 265 at the Hearing. The document being provided contains confidential information relating to the Company's competitive interests, the release of which would harm the Company's competitive business interests. Specifically, this document is a study prepared by J. D. Power and Associates for PEF, which contains confidential and sensitive business information. For these reasons, PEF requests that the Commission afford this document confidential classification.

PEF is providing a hard copy of the confidential document 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.

- COM \_\_\_\_\_
- ECR \_\_\_\_\_
- CCL \_\_\_\_\_
- CPC \_\_\_\_\_
- SCF \_\_\_\_\_
- SRC \_\_\_\_\_
- SGA \_\_\_\_\_
- ADM \_\_\_\_\_
- CLK \_\_\_\_\_

Respectfully submitted,



JAMES MICHAEL WALLS  
mwalls@carltonfields.com  
Florida Bar No. 0706242  
DIANNE M. TRIPLETT  
dtriplett@carltonfields.com  
Florida Bar No. 0872431  
MATTHEW BERNIER

R. ALEXANDER GLENN  
alex.glenn@pgnmail.com  
JOHN T. BURNETT  
john.burnett@pgnmail.com  
Progress Energy Service Company, LLC  
299 First Avenue North  
P.O. Box 14042 (33733)

This docketed notice of intent was filed with Confidential Document No. 09788-09. The document has been placed in confidential storage pending timely receipt of a request for confidentiality.

St. Petersburg, Florida 33701  
(727) 820-5184  
(727) 820-5249(fax)

[mbernier@carltonfields.com](mailto:mbernier@carltonfields.com)  
Florida Bar No. 0059886  
Carlton Fields  
4221 W. Boy Scout Boulevard  
P.O. Box 3239  
Tampa, Florida 33607-5736  
(813) 223-7000 / (813) 229-4133 (fax)

PAUL LEWIS, JR.  
[Paul.lewisjr@pgnmail.com](mailto:Paul.lewisjr@pgnmail.com)  
Progress Energy Service Company, LLC  
106 East College Avenue, Suite 800  
Tallahassee, Florida 32301  
(850) 222-8738 / (850) 222-9768 (fax)

RICHARD MELSON  
[rick@rmelsonlaw.com](mailto:rick@rmelsonlaw.com)  
Florida Bar No. 0201243  
705 Piedmont Drive  
Tallahassee, FL 32312  
(850) 894-1351

### 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.



ATTORNEY

KATHERINE FLEMING  
Staff Counsel  
Florida Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee, FL 32399

J.R. KELLY/CHARLES REHWINKLE  
Office of the Public Counsel  
c/o The Florida Legislature  
111 W. Madison Street – Room 812  
Tallahassee, FL 32399-1400

BILL MCCOLLUM/CECILIA BRADLEY  
Office of the Attorney General  
The Capitol – PL01  
Tallahassee, FL 32399-1050

VICKI G. KAUFMAN/JON C. MOYLE, JR.  
Keefe Law Firm, The Perkins House  
118 North Gadsden Street  
Tallahassee, FL 32301

JAMES W. BREW/ALVIN TAYLOR  
Brickfield Law Firm  
1025 Thomas Jefferson Street, NW, 8<sup>th</sup> Fl  
Washington, D.C. 20007

R. SCHEFFEL WRIGHT / JOHN T. LAVIA  
Young Law Firm  
225 South Adams Street, Ste. 200  
Tallahassee, FL 32301

KAY DAVOODI  
Director, Utility Rates and Studies Office  
Naval Facilities Engineering Command  
1322 Patterson Avenue SE  
Washington Navy Yard, DC 20374-5065

AUDREY VAN DYKE  
Litigation Headquarters  
Naval Facilities Engineering Command  
720 Kennon Street, S.E. Bldg 36, Room 136  
Washington Navy Yard, DC 20374-5065

STEPHANIE ALEXANDER  
Tripp Scott, P.A.  
200 West College Avenue, Suite 216  
Tallahassee, Florida 32301

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: September 22, 2009

TO: James Michael Walls, Carlton Fields

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 090079 or, if filed in an undocketed matter, concerning document marked as Exhibit No. 265, study prepared by J.D. Power & Associates, and filed on behalf of Progress Energy. 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.

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850  
An Affirmative Action/Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

DOCUMENT NUMBER - DATE  
09789 SEP 22 09  
FPSC-COMMISSION CLERK