

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Progress Energy  
Florida, Inc. for approval of a negotiated  
purchase power contract with FB Energy,  
LLC.

Docket No. 090372-EQ

Dated: October 14, 2009

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**AFFIDAVIT OF DAVID W. GAMMON IN SUPPORT OF  
PROGRESS ENERGY FLORIDA'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF PINELLAS

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

1. My name is David W. Gammon. 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 Request for Confidential Classification. The facts attested to in my affidavit are  
based upon my personal knowledge.

2. I am a Senior Power Delivery Specialist in PEF's Renewables and  
Wholesale Power section of Progress Energy's Efficiency and Innovative Technology

COM \_\_\_\_\_  
ECR 1 Department. This section is responsible for PEF's long-term wholesale purchases and  
GCL 1 sales, including purchases from Qualifying Facilities.

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3. As a Senior Power Delivery Specialist, I am responsible, along with the other members of the section, for the administration of PEF's Qualifying Facility contracts with various suppliers.

4. PEF is seeking confidential classification for certain information contained in its responses to Staff's Data Request submitted on September 23, 2009. A detailed description of the confidential information at issue is contained in confidential Exhibit A to PEF's Request for Confidential Classification and is outlined in PEF's Justification Matrix that is attached to PEF's Request for Confidential Classification as Exhibit C. PEF is requesting confidential classification of this information because it contains competitive confidential business information of both PEF and FB Energy.

5. PEF negotiates with potential purchase power companies to obtain competitive contracts for capacity and energy that provides economic value to PEF and its ratepayers. In order to obtain such contracts, however, PEF must be able to assure counterparties that sensitive business information, such as the negotiated pricing terms, will be kept confidential. With respect to the information at issue in this Request, PEF has kept confidential and has not publicly disclosed confidential contract terms such as the negotiated capacity and energy payment pricing. Absent such measures, potential contracting counterparties would run the risk that sensitive business information that they provided in their contracts with PEF would be made available to the public and, as a result, end up in possession of potential competitors. Faced with that risk, persons or companies who otherwise would contract with PEF might decide not to do so if PEF did not keep those terms of their contracts confidential. Without PEF's measures to maintain

the confidentiality of sensitive terms in contracts between PEF and contractors, the Company's efforts to obtain competitive contracts could be undermined.

6. Additionally, the disclosure of confidential information in contracts between PEF and such contractors could adversely impact PEF's competitive business interests. If such information was disclosed to PEF's competitors and to other potential suppliers, PEF's efforts to obtain competitive purchased power options that provide economic value to both PEF and its ratepayers could be compromised by PEF's competitors and other suppliers changing their behavior within the relevant markets.

7. Upon receipt of confidential information from contracting counterparties, and with its own confidential information, strict procedures are established and followed to maintain the confidentiality of the terms of the documents and information provided, including restricting access to those persons who need the information to assist the Company, and restricting the number of, and access to the information and contracts. At no time since receiving the contract and information in question has the Company publicly disclosed that information or contract. The Company has treated and continues to treat the information and contract at issue as confidential.

8. This concludes my affidavit.

Further affiant sayeth not.

Dated the 9<sup>th</sup> day of October, 2009.

David W. Gammon  
(Signature)

David W. Gammon  
Senior Power Delivery Specialist  
Renewable & Wholesale Power  
Efficiency & Innovative Technology Dept.  
Progress Energy Florida  
299 First Avenue North  
St. Petersburg, FL 33701

9<sup>th</sup> THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 9<sup>th</sup> day of October, 2009 by David W. Gammon. He is personally known to me, or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.

Dara Tribiano  
(Signature)

Dara Tribiano  
(Printed Name)

NOTARY PUBLIC, STATE OF Florida

(AFFIX NOTARIAL SEAL)

\_\_\_\_\_  
(Commission Expiration Date)

\_\_\_\_\_  
(Serial Number, If Any)

