

100023-ET

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: FPSC's Review of Progress Energy Florida's Code of Ethics Complaint.

Docket No. Undocketed

Dated: January 11, 2010

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**PROGRESS ENERGY FLORIDA INC.'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Progress Energy Florida, Inc., ("PEF" or "Company"), pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), submits this Request for Confidential Classification for certain information contained in Staff's Investigation Report and Staff's Interview Summaries relating to PEF's Code of Ethics Complaint that occurred in August 2009. In support of this Request, PEF states:

- 1. Certain information contained in Staff's Investigation Report and Staff's Interview Summaries relating to PEF's Code of Ethics Complaint is "proprietary business information" under Section 366.093(3), F.S.
- 2. The following exhibits are included with this request:
 - (a) Sealed Composite Exhibit A is a package containing unredacted copies of all the documents for which PEF seeks confidential treatment. Composite Exhibit A is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted versions, the information asserted to be confidential is highlighted by yellow marker.

COM _____
 APA 3
 ECR _____
 GCL 1
 RAD _____
 SSC _____
 ADM _____
 OPC _____
 CLK 1

- (b) Composite Exhibit B is a package containing two copies of redacted versions of the documents for which the Company requests confidential classification. The specific information for which confidential treatment is requested has been blocked out by opaque marker or other means.

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(c) Exhibit C is a table which identifies by page and line the information for which PEF seeks confidential classification and the specific statutory bases for seeking confidential treatment.

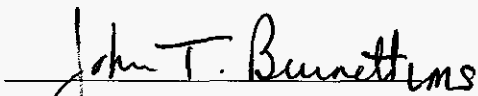
3. As indicated in Exhibit C, the information for which PEF requests confidential classification is “proprietary confidential business information” within the meaning of Section 366.093(3), F.S. Specifically, the information at issue relates to employee personnel information and contractual data, the disclosure of which would impair the efforts of the Company and employees. In addition, the disclosure of this information would risk that sensitive employee and business information provided to PEF would be made available to the public, and as a result, end up in the possession of outside companies. *See* § 366.093(3)(c)(f), F.S.; Affidavit of Suzanne Ennis at ¶ 5. Furthermore, the information at issue relates to the competitive interests of PEF and its employees, the disclosure of which would impair their competitive business interests. *Id.* § 366.093(3)(e); Affidavit of Suzanne Ennis at ¶ 6. Accordingly, such information constitutes “proprietary confidential business information” which is exempt from disclosure under the Public Records Act pursuant to Section 366.093(1), F.S.

4. The information identified as Exhibit “A” is intended to be and is treated as confidential by the Company. *See* Affidavit of Suzanne Ennis at ¶ 7. The information has not been disclosed to the public, and the Company has treated and continues to treat the information and contracts at issue as confidential. *See* Affidavit of Suzanne Ennis at ¶ 7.

5. PEF requests that the information identified in Exhibit A be classified as “proprietary confidential business information” within the meaning of section 366.093(3), F.S., that the information remain confidential for a period of at least 18 months as provided in section 366.093(4) F.S., and that the information be returned as soon as it is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the foregoing reasons, PEF respectfully requests that this Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 11th day of January, 2010.

A handwritten signature in black ink that reads "John T. Burnett". The signature is written in a cursive style and is positioned above a horizontal line.

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Public Service Commission

ACKNOWLEDGEMENT

DATE: January 11, 2010

TO: John Burnett, Progress Energy Florida, Inc.

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 100000 or, if filed in an undocketed matter, concerning certain information contained in staff's investigation report and staff's interview summaries relating to PEF's Code of Ethics Complaint filed in 8/09, 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 Kim Peña, Records Management Assistant, at (850) 413-6393.

CONFIDENTIAL DOCUMENT
0241 JAN 11 2010
PSC-CONFIDENTIAL

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