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May 19, 2010

Ms. Ann Cole, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

RE: Energy Conservation Cost Recovery; Docket No. 100002-EG

Dear Ms. Cole:

Enclosed for filing in the above referenced docket on behalf of Progress Energy Florida, Inc. ("PEF") are the original and seven (7) copies of the following:

- PEF's First Request for Confidential Classification for PEF's Responses to OPC's First Request for Production of Documents
- The confidential information is attached in a sealed envelope.

If you have any questions concerning this filing, please feel free to contact me at (727) 820-5184.

Thank you for your assistance in this matter.

Sincerely,

John T. Burnett

JTB/at  
Enclosures

cc: Certificate of Service

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Energy conservation cost recovery  
clause.

Docket No. 100002-EG

Submitted for Filing: May 18<sup>th</sup>, 2010

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**PROGRESS ENERGY FLORIDA'S FIRST 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 First Request for Confidential Classification of confidential portions of PEF's responses to OPC's First Request for Production (Nos. 1-3). The information being provided in response to this request contains confidential information relating to the Company's transmission system, distribution system, and competitive business interests, the release of which would harm the Company's security measures, systems, or procedures and the Company's competitive business interests. For these reasons, PEF requests that the Commission afford these documents confidential classification.

With respect to the confidential information at issue, PEF filed its Notice of Intent to Request Confidential Classification on April 28, 2010. Therefore, pursuant to Rule 25-22.006(3), Florida Administrative Code, this request is timely. PEF hereby submits the following in support of its confidential request:

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### **Basis for Confidential Classification**

Subsection 366.093(1), Florida Statutes, provides that “any records received by the Commission which are shown and found by the Commission to be proprietary confidential business information shall be kept confidential and shall be exempt from [the Public Records Act].” §366.093(1), Fla. Stats. Proprietary confidential business information means information that is (i) intended to be and is treated as private confidential information by the Company, (ii) because disclosure of the information would cause harm, (iii) either to the Company’s ratepayers or the Company’s business operation, and (iv) the information has not been voluntarily disclosed to the public. §366.093(3), Fla. Stats. Specifically, “information relating to competitive interests” is defined as proprietary confidential business information if the disclosure of such information “would impair the competitive business of the provider of the information.” §366.093(3)(e), Fla. Stats.

The aforementioned portions of PEF’s responses to OPC’s First Request for Production should be afforded confidential classification because these portions contain proprietary confidential security systems and procedures and commercially sensitive business information. Public disclosure of the information in question would expose confidential transmission system information and impair PEF’s competitive business interests.

### **OPC’s First Request for Production Nos. 1 and 2**

Portions of PEF’s response to OPC’s Request No. 1 and 2 should be afforded confidential treatment for the reasons set forth in the Affidavit of Glenn S. Dooley filed in support of PEF’s First Request for Confidential Classification and for the following reasons. Portions of the

documents responsive to Request No. 1 and 2 contain sensitive business information related to company practices and procedures, such as transmission and distribution system policies, the disclosure of which would impair the Company's security measures, systems or procedures. See § 366.093(3)(c), F.S.; Affidavit of Glenn S. Dooley at ¶ 5. The information at issue also contains information that may not be shared with Regulated Commercial Operations (RCO) or others engaged in merchant functions under FERC Orders 889, 889-A, 2004, and 2004-A. See § 366.093(3)(c), F.S.; Affidavit of Glenn S. Dooley at ¶ 5. Furthermore, portions of the documents relate to the operation of PEF's transmission system, the security of which is protected under FERC Critical Infrastructure Protection Standards that should not be made generally available to the public. Disclosure of this information may cause harm to the company's business interests if released to the public, the disclosure of which would impair the Company's security measures, systems or procedures. See § 366.093(3)(c); Affidavit of Glenn S. Dooley at ¶ 5. 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.

Strict procedures are established and followed to maintain the confidentiality of the terms of the confidential documents and information at issue, including restricting access to those persons who need the information and documents to assist the Company. See Affidavit of Glenn S. Dooley at ¶ 6. At no time has the Company publicly disclosed the confidential information or documents at issue. Id. The Company has treated and continues to treat the information and documents at issue as confidential. Id.

### **OPC's First Request for Production No. 3**

Portions of PEF's response to OPC's Request No. 3 should be afforded confidential

treatment for the reasons set forth in the Affidavit of Becky S. Harrison filed in support of PEF's First Request for Confidential Classification and for the following reasons. Portions of the documents responsive to Request No. 3 contain sensitive employee and vendor personnel information such as resumes and qualifications of Progress Energy's Smart Grid Distribution System Demand Response ("DSDR") team members, the disclosure of which would adversely impact PEF's competitive business interests. See Affidavit of Becky S. Harrison at ¶ 5. For example, if PEF's competitors or employment recruiters were made aware of team member resumes and qualifications, they may attempt to contact team members and offer them attractive employment opportunities in an attempt to gain necessary resources to support their own projects that could ultimately have a detrimental impact on PEF's Smart Grid project and PEF's ratepayers. Id. Disclosure of this information may cause harm to the company's business interests if released to the public, the disclosure of which would impair the Company's ability to retain its current employees and in hiring future employees. See § 366.093(3)(f); Affidavit of Becky S. Harrison at ¶ 5.

Strict procedures are established and followed to maintain the confidentiality of the confidential documents and information at issue, including restricting access to those persons who need the information and documents to assist the Company. See Affidavit of Becky S. Harrison at ¶ 6. At no time has the Company publicly disclosed the confidential information or documents at issue. Id. The Company has treated and continues to treat the information and documents at issue as confidential. Id.

### **Conclusion**

Certain portions of PEF's responses to OPC's First Request for Production fit the

statutory definition of proprietary confidential business information under Section 366.093 and Rule 25-22.006, Florida Administrative Code, and that information should be afforded confidential classification. In support of this motion, PEF has enclosed the following:

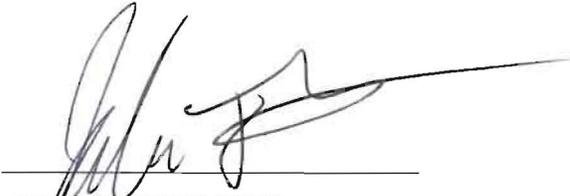
(1). A separate, sealed envelope containing one copy of the confidential Appendix A to PEF's First Request for Confidential Classification for which PEF intends to request confidential classification with the appropriate section, pages, or lines containing the confidential information highlighted. **This information should be accorded confidential treatment pending a decision on PEF's request by the Florida Public Service Commission;**

(2). Two copies of the confidential responses with the information for which PEF intends to request confidential classification redacted by section, page, or lines where appropriate as Appendix B; and

(3). A justification matrix supporting PEF's request for confidential classification of the highlighted information contained in confidential Appendix A, as Appendix C.

WHEREFORE, PEF respectfully requests that certain portions of PEF's responses to OPC's First Request for Production, Request Nos. 1, 2, and 3, described specifically in Appendix C, be classified as confidential for the reasons set forth above.

Respectfully submitted this 16<sup>th</sup> day of May, 2010.

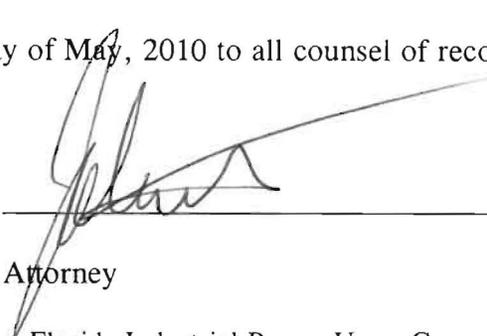


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Attorneys for  
PROGRESS ENERGY FLORIDA, INC.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically and via U.S. Mail this <sup>KTM</sup>        day of May, 2010 to all counsel of record as indicated below.

  
\_\_\_\_\_  
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**APPENDIX C**

<b>DOCUMENTS</b>	<b>PAGE/LINE</b>	<b>JUSTIFICATION</b>
PEF's Response to OPC's 1 <sup>st</sup> Request for Production, question Nos. 1 & 2	Bates Nos. PEF 2010 ECCR 00001 through 00009: entirely confidential.	§366.093(3)(c), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's business operations.
PEF's Response to OPC's 1 <sup>st</sup> Request for Production, question Nos. 1 & 2	Bates Nos. PEF 2010 ECCR 00010 through 00017: entirely confidential.	§366.093(3)(c), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's business operations.
PEF's Response to OPC's 1 <sup>st</sup> Request for Production, question Nos. 1 & 2	Bates Nos. PEF 2010 ECCR 00018 through 00029: entirely confidential.	§366.093(3)(c), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's business operations.
PEF's Response to OPC's 1 <sup>st</sup> Request for Production, question Nos. 1 & 2	Bates Nos. PEF 2010 ECCR 00030 through 00085: entirely confidential.	§366.093(3)(c), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's business operations.
PEF's Response to OPC's 1 <sup>st</sup> Request for Production, question Nos. 1 & 2	Bates Nos. PEF 2010 ECCR 00086 through 00096: entirely confidential.	§366.093(3)(c), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's business operations.
PEF's Response to OPC's 1 <sup>st</sup> Request for Production, question Nos. 1 & 2	Bates Nos. PEF 2010 ECCR 00097 through 00104: entirely confidential.	§366.093(3)(c), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's business operations.

<b><u>DOCUMENTS</u></b>	<b><u>PAGE/LINE</u></b>	<b><u>JUSTIFICATION</u></b>
PEF's Response to OPC's 1 <sup>st</sup> Request for Production, question Nos. 1 & 2	Bates Nos. PEF 2010 ECCR 0000105 through 00110: entirely confidential.	§366.093(3)(c), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's business operations.
PEF's Response to OPC's 1 <sup>st</sup> Request for Production, question No. 1	Bates Nos. PEF 2010 ECCR 0000221 through 00226: entirely confidential.	§366.093(3)(c), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's business operations.
PEF's Response to OPC's 1 <sup>st</sup> Request for Production, question Nos. 1 & 2	Bates Nos. PEF 2010 ECCR 0000245 through 00264: entirely confidential.	§366.093(3)(c), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's business operations.
PEF's Response to OPC's 1 <sup>st</sup> Request for Production, question Nos. 1 & 2	Bates Nos. PEF 2010 ECCR 0000265 through 00273: entirely confidential.	§366.093(3)(c), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's business operations.
PEF's Response to OPC's 1 <sup>st</sup> Request for Production, question Nos. 1 & 2	Bates Nos. PEF 2010 ECCR 0000274 through 00280: entirely confidential.	§366.093(3)(c), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's business operations.
PEF's Response to OPC's 1 <sup>st</sup> Request for Production, question No. 3	Bates Nos. PEF 2010 ECCR 0000342 through 00396: entirely confidential.	§366.093(3)(f), Fla. Stat. The information in question relates to PEF's employee personnel information, the disclosure of which would impair PEF's competitive business interests.

State of Florida



## Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** May 19, 2010  
**TO:** John T. Burnett, P.O. Box 14042 St. Petersburg FL 33733  
**FROM:** Diamond Williams, Office of Commission Clerk  
**RE:** Acknowledgement of Confidential Filing in Docket Number 100002-EG

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This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in the above-referenced docket.

Document Number 04248-10 has been assigned to this filing, which 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.