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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Nuclear Power Plant Cost  
Recovery Clause

Docket No. 100009-EI  
Submitted for Filing: July 12, 2010

**PROGRESS ENERGY FLORIDA'S FOURTEENTH REQUEST FOR CONFIDENTIAL  
CLASSIFICATION REGARDING PEF'S RESPONSES TO WHITE SPRINGS  
AGRICULTURAL CHEMICAL INC. D/B/A PCS PHOSPHATE-WHITE SPRINGS  
FIRST SET OF INTERROGATORIES (NOS. 1-2)**

Progress Energy Florida, Inc. ("PEF" or the "Company"), pursuant to Sections 366.093, Florida Statutes, and Rule 25-22.006(3), Florida Administrative Code, requests confidential classification of portions of the documents produced in response to White Springs Agricultural Chemical Inc. d/b/a PCS Phosphate-White Springs ("PCS Phosphate-White Springs") First Set of Interrogatories (Nos. 1-2), specifically number 2. This response contains confidential contractual cost information the disclosure of which would impair PEF's competitive business interests. This response meets the definition of proprietary confidential business information per section 366.093(3), Florida Statutes. The unredacted response is being filed under seal with the Commission on a confidential basis to keep the competitive business information in the response confidential.

**BASIS FOR CONFIDENTIAL CLASSIFICATION**

Section 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. Stat. 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 customers

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or the Company's business operation, and (iv) the information has not been voluntarily disclosed to the public. § 366.093(3), Fla. Stat. Specifically, "information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms" is defined as proprietary confidential business information. § 366.093(3)(d), Fla. Stat. Additionally, section 366.093(3)(e) defines "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information," as proprietary confidential business information.

Portions of the aforementioned documents should be afforded confidential classification for the reasons set forth in the Affidavit of Sue Hardison, filed in support of PEF's Request for Confidential Classification, and for the following reasons.

The interrogatory response at issue contains sensitive and confidential information related to the Levy Nuclear Project ("LNP"). Specifically, a portion of the response contains details regarding PEF's estimated costs for the LNP, costs which are driven by confidential contracts with various vendors. Affidavit of Hardison, ¶ 4. Public disclosure of this information would give the Company's competitors invaluable insight into PEF's strategies, and therefore provide them an unfair competitive advantage. Id. at ¶¶ 5-6. This would put the Company at a competitive disadvantage when competing, or attempting to contract, with these other parties. Id.

PEF has kept confidential and has not publicly disclosed the information at issue here. Absent such measures, PEF would run the risk that sensitive business information regarding what it is willing to pay for certain goods and services, as well as what the Company is willing to accept as payment for certain goods and/or services, would be made to available to the public

and, as a result, other potential suppliers, vendors, and/or purchasers of such services could change their position in future negotiations with PEF. Without PEF's measures to maintain the confidentiality of sensitive terms in these contracts, the Company's efforts to obtain competitive contracts would be undermined. See id. at ¶¶ 4-6.

Upon receipt of this confidential information, strict procedures are established and followed to maintain the confidentiality of the information provided, including restricting access to only those persons who need the information to assist the Company. See id. at ¶ 7. At no time since receiving the information in question has the Company publicly disclosed that information. See id. The Company has treated and continues to treat the information at issue as confidential. See id.

### CONCLUSION

The competitive, confidential information at issue in this request fits the statutory definition of proprietary confidential business information under Section 366.093, Florida Statutes, 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 Request for Confidential Classification for which PEF has requested 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 documents with the information for which PEF has requested 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 the portions of the documents produced in response to PCS Phosphate-White Springs First Set of Interrogatories (Nos. 1-2), specifically number 2, be granted confidential classification and treated accordingly.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished to counsel and parties of record as indicated below via electronic and U.S. Mail this 12<sup>th</sup> day of July, 2010.

  
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**REDACTED**

**PROGRESS ENERGY FLORIDA**  
**In re: Nuclear Cost Recovery Clause**  
**Docket 100009-EI**  
**Fourteenth Request for Confidential**  
**Classification**

**Exhibit B**

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**PROGRESS ENERGY FLORIDA**  
**In re: Nuclear Cost Recovery Clause**  
**Docket 100009-EI**  
**Fourteenth Request for Confidential Classification**  
**Confidentiality Justification Matrix**

**ATTACHMENT C**

<b>DOCUMENT</b>	<b>PAGE/PARAGRAPH/LINE</b>	<b>JUSTIFICATION</b>
PEF's Response to PCS' 1st Interrogatories, number 2	Response paragraph 2, line 2, all information preceding "excluding AFUDC"; Response paragraph 2, line 3, all information between "is" and "the"; the entire chart beneath Response paragraph 2; The Note to the to the above-mentioned chart, all information after "increases is"	<p>§366.093(3)(e), Fla. Stat. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p> <p>§366.093(3)(d), Fla. Stat. The document in question contains confidential contractual information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p>

State of Florida



## Public Service Commission

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Blaise Huhta  
P.O. Box 3239  
Tampa FL 33601

**Re: Acknowledgement of Confidential Filing in Docket No. 100009-EI**

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on July 12, 2010, in the above-referenced docket.

Document Number 05705-10 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.