

# Hopping Green & Sams

Attorneys and Counselors

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September 29, 2010

## BY HAND DELIVERY

Ann Cole  
Director Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

Re: Docket No. 100007-EI – Request for Confidential Classification

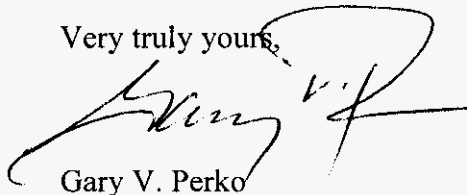
Dear Ms. Cole:

Enclosed for filing on behalf of Progress Energy Florida (PEF) are the following:

- (1) The original and seven copies of its Request for Confidential Classification.
- (2) An envelope containing Exhibit B, which includes two redacted copies of the confidential documents; and
- (3) A CONFIDENTIAL envelope containing Exhibit C which includes one copy of the documents on which the confidential material has been highlighted.

Please stamp and return the enclosed extra copy of this filing. If you have any questions regarding this filing, please contact the undersigned.

Very truly yours,



Gary V. Perko

Enclosures

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 APA \_\_\_\_\_  
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 CLK *Pena*

\_\_\_ CLAIM OF CONFIDENTIALITY  
 \_\_\_ NOTICE OF INTENT  
 X REQUEST FOR CONFIDENTIALITY  
 \_\_\_ FILED BY OPC  
 FOR DN 08152-10, WHICH  
 IS IN LOCKED STORAGE. YOU MUST BE  
 AUTHORIZED TO VIEW THIS DN. - CLK

DOCUMENT NUMBER-DATE  
 08151 SEP 29 0  
 FPSC-COMMISSION CLERK

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Environmental Cost Recovery Clause.

DOCKET NO. 100007-EI

FILED: SEPTEMBER 29, 2010

**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, submits this Request for Confidential Classification of information included in documents being provided to Staff in response to Staff's Ninth Set of Interrogatories (Nos. 36-45) and Staff's Eighth Request for Production of Documents (Nos. 20-23) . In support of this request, PEF states:

1. Contemporaneously with this request, PEF is serving its responses to Staff's Ninth Set of Interrogatories (Nos. 36-45) and Staff's Eighth Request for Production of Documents (Nos. 20-23). For the reasons discussed below, the information being provided in response to Staff's discovery requests includes the following proprietary confidential business information:

(a) Staff's Interrogatory No. 43(b) requests information concerning the costs for a vehicle barrier system (VBS) which is necessary to accommodate increased traffic associated with PEF's Crystal River Clean Air Projects while maintaining security in accordance with requirements of the Nuclear Regulatory Commission. Similarly, Staff's Request for Production of Documents No. 23 requests PEF to provide work papers that support PEF's response to Interrogatory No. 43(b). In response to Staff's Request for Production of Documents No. 23, PEF is providing a document (Bates-numbered PEF-POD23-001- PEF-POD23-024), which discusses various options for installation and operation of the VBS. PEF's response to Staff's

DOCUMENT NUMBER DATE

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Interrogatory No. 43(b) and the document being provided in response to Request for Production of Documents No. 23 contain confidential information related to security measures and systems, including design and operational information associated with the Crystal River access control point. Such information qualifies for confidential classification pursuant to Section 366.093(c), Florida Statutes, which defines “proprietary confidential business information to include “security measures, systems, or procedures.”

(b) PEF’s response to Staff’s Interrogatory No. 43(b) and the document being provided in response to Staff’s Request for Production of Documents No. 23 also contain sensitive proprietary information related to PEF’s costs for installation of the VBS system. If such cost information is disclosed to potential contractors, PEF’s efforts to obtain options that provide economic value to both PEF and its ratepayers could be compromised by potential contractors changing their negotiating behavior when PEF seeks to negotiate similar contracts in the future. Accordingly, such information qualifies for confidential classification pursuant to Section 366.093(d), Florida Statutes, which defines “proprietary confidential business information to include “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.”

2. The following exhibits are included with this request:

(a) Exhibit A is a table which identifies the information for which PEF seeks confidential classification and the specific statutory bases for seeking confidential treatment;

(b) Exhibit B is a package containing two copies of redacted versions of the documents for which the Company requests confidential classification. In the redacted version of the summary document discussed above, the confidential information has been blackened out by opaque marker or other means.

(c) Exhibit C is a package containing unredacted copies of the documents for which PEF seeks confidential treatment. Exhibit C is being submitted separately in a sealed envelope labeled "CONFIDENTIAL". In the unredacted versions of the summary document, the confidential information has been highlighted in yellow.

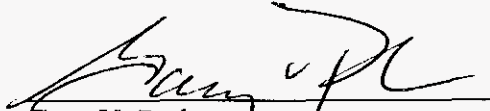
3. The information in Exhibit C is intended to be and is treated as confidential by PEF. The information has not been disclosed to the public.

4. Progress Energy requests that the information in Exhibit C 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, Progress Energy Florida, Inc., respectfully requests that this Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 29<sup>th</sup> day of September, 2010.

HOPPING GREEN & SAMS, P.A.



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Attorneys for PROGRESS ENERGY FLORIDA

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to all counsel of record and interested parties as listed below by hand-delivery (\*) or regular U.S. mail this 29<sup>th</sup> day of September, 2010.

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\_\_\_\_\_  
Attorney

**EXHIBIT "A"**  
**JUSTIFICATION FOR CONFIDENTIAL CLASSIFICATION**

Document	Bates No(s).	Line	Column	Description	Statutory Justification
Response to Staff Interrogatory No. 43(b)	N/A	1-2	N/A	Information regarding security system (design information) and cost of VBS	§366.093(3)(c) and (d), F.S.
Crystal River Security Access, Gate 10 ACP VSA Report – 4/12-14/2010	PEF-POD23-004	1	N/A	Information regarding security system (operational information)	§366.093(3)(c), F.S.
	PEF-POD23-005	1	N/A	Information regarding security system (operational information)	§366.093(3)(c), F.S.
		2	N/A	Information regarding security system (traffic flow through security system)	§366.093(3)(c), F.S.
	PEF-POD23-008	All	N/A	Information regarding security system (traffic flow around security system)	§366.093(3)(c), F.S.
	PEF-POD23-009	1-2	N/A	Cost information for VBS	§366.093(3)(d), F.S.
	PEF-POD23-011	1-4	N/A	Information regarding security system and measures (operational information)	§366.093(3)(c), F.S.
	PEF-POD23-012	1	N/A	Information regarding security system (operational information)	§366.093(3)(c), F.S.
	PEF-POD23-013	1	A	Cost information for VBS	§366.093(3)(d), F.S.
		2-9	A	Information regarding security system (design information)	§366.093(3)(c), F.S.
	PEF-POD23-014	1-2	A	Information regarding security system (design information)	§366.093(3)(c), F.S.
	PEF-POD23-015	1	A	Cost information for VBS	§366.093(3)(d), F.S.
		2-6	A	Information regarding security system (design information)	§366.093(3)(c), F.S.
	PEF-POD23-016	1-2	N/A	Information regarding security system (design and operational information)	§366.093(3)(c), F.S.
	PEF-POD23-017	1	N/A	Information regarding security system (operational information)	§366.093(3)(c), F.S.
	PEF-POD23-021	1	A	Cost information for VBS	§366.093(3)(d), F.S.
		2	A	Information regarding security system (design information)	§366.093(3)(c), F.S.
		2	B	Cost information for VBS	§366.093(3)(d), F.S.
		3-10	All	Information regarding security system (design information)	§366.093(3)(c), F.S.
	PEF-POD23-023	1	A	Cost information for VBS	§366.093(3)(d), F.S.
		2-9	All	Information regarding security system (design information)	§366.093(3)(c), F.S.
	PEF-POD23-024	1	A	Cost information for VBS	§366.093(3)(d), F.S.
		2-4	All	Information regarding security system (design information)	§366.093(3)(c), F.S.

State of Florida



## Public Service Commission

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Gary Perko  
P. O. Box 6526  
Tallahassee FL 32314

**Re: Acknowledgement of Confidential Filing in Docket No. 100007-EI**

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on September 29, 2010, in the above-referenced docket.

Document Number 08151-10 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.