

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost
Recovery Clause

Docket No. 110009-EI
Submitted for Filing: June 9, 2011

**PROGRESS ENERGY FLORIDA, INC.'S SEVENTH REQUEST FOR
CONFIDENTIAL CLASSIFICATION REGARDING PORTIONS OF
ITS RESPONSES TO CITIZENS' THIRD REQUEST FOR
PRODUCTION OF DOCUMENTS (NOS. 12-19) &
THIRD SET OF INTERROGATORIES (NOS. 9-32)**

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Progress Energy Florida, Inc. ("PEF" or the "Company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(3), Florida Administrative Code, files this Request for Confidential Classification regarding portions of its responses to the Office of Public Counsel's ("OPC" or "Citizens") Third Request for Production of Documents (Nos. 12-19), specifically numbers 12 through 16, and 18, and portions of its responses to Citizen's Third Set of Interrogatories (Nos. 9-32), specifically numbers 18, 20, 27 and 28. These documents and responses contain confidential contractual information, the disclosure of which would impair PEF's competitive business interests, as well as other information the disclosure of which would harm the Company's competitive business interests. These documents and responses meet the definition of proprietary confidential business information per section 366.093(3), Florida Statutes. The unredacted documents and responses are being filed under seal with the Commission on a confidential basis to keep the competitive business information in those documents and responses confidential.

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_____ claim of confidentiality
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 request for confidentiality
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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 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 and responses (collectively the “responsive information”) should be afforded confidential classification for the reasons set forth in the Affidavit of Jon Franke, filed in support of PEF’s Seventh Request for Confidential Classification, and for the following reasons.

1. The responsive information contains sensitive information concerning the CR3 Uprate Project (“CR3 EPU”), including contractual cost information. PEF considers this information to be confidential and proprietary and continues to take steps to protect against its public disclosure, including limiting the personnel who have access

to this information. Affidavit of Franke ¶ 3. Public disclosure of these documents would allow other parties to discover how the Company analyzes risk options, scheduling, and cost, and would thus impair PEF's ability to contract for such goods and services on competitive and favorable terms. If this information was disclosed to the public, it could adversely impact PEF's competitive interests. Portions of these documents reflect the Company's internal strategies for evaluating projects and meeting deadlines. If such information was disclosed to PEF's competitors and/or other potential suppliers, PEF's efforts to obtain competitive nuclear equipment and service options that provide economic value to both the Company and its customers could be compromised by the Company's competitors and/or suppliers changing their offers, consumption, or purchasing behavior within the relevant markets. *Id.* Accordingly, this information should be afforded confidential treatment by the Commission. See § 366.093(3)(e), Fla. Stat.

Additionally, the responsive documents to Citizens' Third Request for Production of Documents numbers 12 through 16, and 18 meet the definition of proprietary confidential business information per section 366.093(3), Florida Statutes. These documents include contractual work orders, vendor estimates, and presentations and handouts made to Senior Management. Public release of this information would provide PEF's competitors, and those parties it hopes to contract with in the future, valuable insight into the Company's analysis of risk and overall strategy. This would put the Company at a competitive disadvantage when competing, or attempting to contract, with these other parties. Affidavit of Franke, ¶ 4. The Company treats this information as confidential and does not allow its publication to the public. Moreover, this information meets the definition of proprietary confidential business information under section 366.093(3)(d), Florida Statutes.

Further, the Company has established and follows strict procedures to maintain the confidentiality of the terms of all 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 Franke, ¶ 5.

At no time has the Company publicly disclosed the confidential information or documents at issue; PEF has treated and continues to treat the information and documents at issue as confidential. See id.

PEF requests this information be granted confidential treatment by the Commission.

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, F.A.C., and therefore 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 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 Commission;***

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

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

WHEREFORE, PEF respectfully requests that the redacted portions of its responses to Citizens' Third Request for Production of Documents (Nos. 12-19), specifically numbers 12 through 16, and 18, and portions of its responses to Citizen's Third Set of Interrogatories (Nos. 9-32), specifically numbers 18, 20, 27 and 28, be classified as confidential for the reasons set forth above.

Respectfully submitted this 9th day of June, 2011.

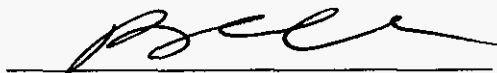
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CERTIFICATE OF SERVICE

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 9th day of June, 2011.



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