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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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IN RE: NUCLEAR POWER PLANT COST RECOVERY CLAUSE

COMMISSION CLERK Docket No. 110009-EI Submitted for Filing: July 21, 2011

PROGRESS ENERGY FLORIDA'S REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION REGARDING THE INFORMATION COVERED BY ITS SEVENTH REQUEST FOR CONFIDENTIAL CLASSIFICATION IN DOCKET NO. 090009-EI

Progress Energy Florida, Inc. ("PEF" or the "Company"), pursuant to Section 366.093(4), Florida Statutes, and Rule 25-22.006(9)(a), Florida Administrative Code, requests an extension of the confidential classification of the document produced in response to Audit Control No. 08-248-2-1, i.e., the "NuStart Memo" (Document No. 05934-09). The Commission granted PEF's Seventh Request for Confidential Classification regarding the NuStart Memo in Order No. PSC-10-0069-CFO-EI, dated January 29, 2010, therefore, this request is timely. The NuStart Memo was granted confidential classification because it contains proprietary and confidential business information which the Company does not disclose to the public, including contractual data, the disclosure of which would harm the Company's competitive business interests and in many cases would violate contractual confidentiality clauses. The Company continues to treat the information contained in the NuStart Memo as confidential and does not disclose it to the public. Pursuant to section 366.093(3), Florida Statutes, this information is proprietary confidential business information.

In support of this Request, PEF states as follows:

- 1. The NuStart Memo, as explained in the Company's Seventh Request for Confidential Classification filed with the Commission on July 9, 2009, document number 06698-

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APA I
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claim of confidentiality
notice of intent
X request for confidentiality
filed by OPC

For DN 05934-09, which is in locked storage. You must be authorized to view this DN.-CLK

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09, hereby incorporated with all exhibits by reference, contains proprietary confidential business information. Also included in support of this Request is the affidavit of John Elnitsky.

2. The Company continues to treat the information contained in the NuStart Memo as confidential and does not disclose it to the public, its competitors, or those employees within the Company who do not need the information to perform their duties for the Company. See Affidavit of Elnitsky ¶ 3. Public disclosure of the confidential portions of the NuStart Memo would harm the Company's competitive interests and in many cases would violate contractual confidentiality clauses. Specifically, this information includes information regarding the contractual agreements necessary for the success of the Levy Nuclear Project ("LNP"), the release of which would in many cases violate those contracts' confidentiality provisions. See Elnitsky, ¶ 2. The release of this information would adversely impact PEF's competitive business interests if disclosed to the public. See Elnitsky at ¶¶ 2-3.

3. In Order No. PSC-10-0069-CFO-EI the Commission found that the NuStart Memo contains proprietary confidential business information exempt from disclosure under the public records law pursuant to section 366.093(1) and (3), Florida Statutes.. Thus, the Commission is not required to engage in any further analysis or review such as weighing the potential harm to the Company of disclosure of this information.

4. PEF has kept confidential and has not publicly disclosed the confidential information at issue here. See Elnitsky, ¶ 3. 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.

See id. Without PEF's measures to maintain the confidentiality of this sensitive information, the Company's efforts to obtain competitive contracts and to obtain competitively priced goods and services would be undermined. See id. at ¶¶ 2-3.

5. Upon receipt of this confidential information, strict procedures are established and followed to maintain the confidentiality of the information provided, including restricting access to those persons who need the information to assist the Company. See id. at ¶ 3. At no time since receiving the information in question has the Company publicly disclosed that information; the Company has treated and continues to treat the information at issue as confidential. See id. Nothing has changed since Order No. PSC-10-0069-CFO-EI to render this information stale or public, such that continued confidential treatment would no longer be appropriate. 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, as the Commission found in Order No. PSC-10-0069-CFO-EI. As discussed herein, the Company continues to treat this information as confidential and has taken all necessary steps to protect it from public disclosure. Therefore, the Commission should extend the confidential treatment of this information.

WHEREFORE, PEF respectfully requests that the NuStart Memo, document number 05934-09 determined by the Commission to be confidential and exempt from public disclosure in Order No. PSC-10-069-CFO-EI, continue to be classified as confidential and exempt from public disclosure for the reasons set forth above.

Respectfully submitted,

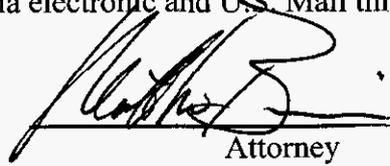
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CERTIFICATE OF SERVICE

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 21st day of July, 2011.



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