

claim of confidentiality
 notice of intent
 request for confidentiality
 filed by OPC

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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110323-ET

In re: FPSC Review of Coal Combustion
Residual Storage and Disposal Processes of
the Florida Electric Industry.

Docket No.: Undocketed

Dated: November 23, 2011

COMMISSION
CLERK

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**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 (F.A.C.), submits this Request for Confidential Classification for information contained in the FPSC's Review of Coal Combustion Residual Storage and Disposal Processes of the Florida Electric Industry and portions of PEF's Responses to Data Request 2, specifically certain information regarding PEF. In support of this Request, PEF states:

1. In Staff's Review and PEF's responses to Data Request 2, there is sensitive PEF information that is "proprietary business information" under Section 366.093(3), Florida Statutes.
2. The following exhibits are included with this request:
 - (a) Sealed Composite Exhibit A is a package containing unredacted copies of all

_____ the pages of the FPSC's Review of Coal Combustion Residual Storage and Disposal Processes of the
_____ Florida Electric Industry and portions of PEF's Responses to Data Request 2 for which PEF seeks
_____ confidential treatment. Composite Exhibit A is being submitted separately in a sealed envelope
_____ labeled "CONFIDENTIAL." In the unredacted versions, the information asserted to be confidential
_____ is highlighted by yellow marker.

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(b) Composite Exhibit B is a package containing two copies of redacted versions of the documents for which the Company requests confidential classification. The specific information for which confidential treatment is requested has been blocked out by opaque marker or other means.

(c) Exhibit C is a justification table which identifies by page and line the information for which PEF seeks confidential classification and the specific statutory bases for seeking confidential treatment.

3. As indicated in Exhibit C, the information for which PEF requests confidential classification is “proprietary confidential business information” within the meaning of Section 366.093(3), F.S. Specifically, the information at issue relates to PEF’s competitive contracts for coal ash products contained in the FPSC’s Review of Coal Combustion Residual Storage and Disposal Processes of the Florida Electric Industry and Exhibits 9, 10 and 11 of PEF’s Responses to Data Request 2. The information outlines PEF’s contractual cost and revenue data relating to coal ash products, which if disclosed, could impair the efforts of the Company to obtain competitive contracts of coal ash products. If the information at issue was made public, it could be used to risk sensitive business information. *See* § 366.093(3)(c), F.S.; Affidavit of Rob Reynolds at ¶ 5. Furthermore, the information at issue relates to sensitive cost data, the disclosure of which could impair competitive interests of PEF and potential coal ash residual end-users to obtain competitive contracts. *Id.* § 366.093(3)(e); Affidavit of Rob Reynolds at ¶ 6. 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.

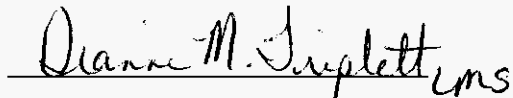
4. The information identified as Exhibit “A” is intended to be and is treated as

confidential by the Company. See Affidavit of Rob Reynolds at ¶ 7. The information has not been disclosed to the public, and the Company has treated and continues to treat its coal ash cost data as confidential. See Affidavit of Rob Reynolds at ¶ 7.

5. PEF requests that the information identified in Exhibit A 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, PEF respectfully requests that this Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 23rd day of November, 2011.



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Exhibit A

“CONFIDENTIAL”

**PROGRESS ENERGY FLORIDA
Confidentiality Justification Matrix**

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>PEF's Responses to Data Request 2 (DR-2)</p>	<p>Revised Exhibits 9, 10 & 11 submitted on 9/19/11: disposal costs and sales revenues.</p>	<p>§366.093(3)(c), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's security measures, systems or procedures.</p> <p>§366.093(3)(e), F.S. 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>FPSC's Review of Coal Combustion Residual Storage and Disposal Processes of the Florida Electric Industry</p>	<p>Page 4, Executive Summary, last ¶: revenues in lines 2 & 4</p> <p>Page 7, Overview of Operational Compliance, Exhibit 1: PEF's disposal costs and revenues.</p> <p>Section 4.0, Page 1, Exhibit 6: PEF's disposal costs and revenues.</p> <p>Section 4.0, Page 2, Exhibit 8: PEF's disposal costs and revenues.</p>	<p>§366.093(3)(c), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's security measures, systems or procedures.</p> <p>§366.093(3)(e), F.S. 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>