

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Examination of the outage and replacement fuel/power costs associated with the CR3 steam generator replacement project, by Progress Energy Florida, Inc.

DOCKET NO. 100437-EI
Submitted for Filing: Dec. 16, 2011

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**PROGRESS ENERGY FLORIDA, INC.'S THIRD REQUEST
FOR CONFIDENTIAL CLASSIFICATION**

Progress Energy Florida, Inc. ("PEF" or the "Company"), pursuant to Section 366.093, Florida Statute, and Rule 25-22.006, Florida Administrative Code, files this Third Request for Confidential Classification regarding certain confidential portions of PEF's responses to Citizens' Fifth Request for Production (Nos. 41-57). Specifically, portions of the documents responsive to Requests Nos. 42F, 42G, 51 and 56 contain confidential strategic business and financial information relating to Crystal River Unit 3 ("CR3") containment repair options which have not been publicly released. The disclosure of that information to the public would adversely impact PEF's competitive business interests by providing third parties with information regarding PEF's future plans for CR3.

Portions of the documents responsive to Request No. 42F, 42G, and 51 contain

- COM 1 proprietary confidential business information provided to the Company's Board of
- APA 1
- ECR 1 Directors or senior management related to the CR3 extended outage, such as confidential cost
- GCL 1
- RAD 3 analyses; projected financial impacts; projected and estimated replacement power costs;
- SRC _____
- ADM _____ and projected and estimated insurance numbers, the disclosure of which would adversely
- OPC _____
- CLK 1 impact PEF's competitive business interests by disclosing its sensitive business information.

See § 366.093(3)(e), Fla. Stat.; Affidavit of Jon Franke at ¶ 5. For example, if PEF's
 claim of confidentiality
 notice of intent
 request for confidentiality
 filed by OPC

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competitors and counterparties were made aware of such information, they may adjust their behavior in relevant markets and venues. *Id.* 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), Fla. Stat.; Affidavit of Jon Franke at ¶ 6.

Strict procedures are established and followed to maintain the confidentiality of the terms 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 Jon Franke at ¶ 7. At no time has the Company publicly disclosed the confidential information or documents at issue. *Id.* The Company has treated and continues to treat the information and documents at issue as confidential. *Id.*

Conclusion

Certain portions of PEF’s responses to Citizens’ Fifth Request for Production fit the statutory definition of proprietary confidential business information under Section 366.093, Fla. Stat. and Rule 25-22.006, Fla. Admin. 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 Third Request for Confidential Classification 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 Florida Public Service Commission;**

2) Two copies of the confidential responses with the information for which PEF intends to request 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 certain portions of PEF's responses to Citizens' Fifth Request for Production (Nos. 41-57), described specifically in Attachment C, be classified as confidential for the reasons set forth above.

Respectfully submitted this 16th day of December, 2011.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic and U.S. Mail this 16th day of December, 2011 to all parties of record as indicated below.



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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Examination of the Outage and Replacement Docket No. 100437-EI
Fuel/Power Costs Associated with the CR3 Steam
Generator Replacement Project, by Progress
Energy Florida, Inc.

PEF RESPONSE CITIZENS' POD 5 NO. 42F

BATES NO.

09DELAM-OPCPOD5-42F-000001

through

09DELAM-OPCPOD5-42F-000013

in their entirety

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PEF RESPONSE CITIZENS' POD 5 NO. 42G

BATES NO.

09DELAM-OPCPOD5-42G-000001

through

09DELAM-OPCPOD5-42G-000067

in their entirety

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PEF RESPONSE CITIZENS' POD 5 NO. 51

BATES NO.

09DELAM-OPCPOD5-51-000001

through

09DELAM-OPCPOD5-51-000057

in their entirety

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PEF RESPONSE CITIZENS' POD 5 NO. 56

BATES NO.

09DELAM-OPCPOD5-56-000261

through

09DELAM-OPCPOD5-56-000296

in their entirety

**PROGRESS ENERGY FLORIDA DOCKET 100437-EI
Third Request for Confidential Classification
Confidentiality Justification Matrix**

DOCUMENT	PAGE/LINE/ COLUMN	JUSTIFICATION
PEF Response to Citizens' Fifth Request for Production No. 42F bearing Bates Nos. 09DELAM-OPCPOD5-42F-000001 through 09DELAM-OPCPOD5-42F-000013	Entire document	§366.093(3)(e), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.
PEF Response to Citizens' Fifth Request for Production No. 42G bearing Bates Nos. 09DELAM-OPCPOD5-42G-000001 through 09DELAM-OPCPOD5-42G-000067	Entire document	§366.093(3)(e), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.
PEF Response to Citizens' Fifth Request for Production No. 51 bearing Bates Nos. 09DELAM-OPCPOD5-51-000001 through 09DELAM-OPCPOD5-51-000057	Entire document	§366.093(3)(e), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.
PEF Response to Citizens' Fifth Request for Production No. 56 bearing Bates Nos. 09DELAM-OPCPOD5-56-000261 through 09DELAM-OPCPOD5-56-000296	Entire document	§366.093(3)(e), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.