

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery clause with generating performance incentive factor.

Docket No. Undocketed

Dated: April 30, 2012

COMMISSION CLERK

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

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

For DN 02754-12, which is in locked storage. You must be authorized to view this DN.-CLK

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 certain cost information provided in its 2011 Diversification Report submitted on April 30, 2012. In support of this Request, PEF states:

1. PEF has provided cost information in its Diversification Report that is "proprietary business information" under Section 366.093(3), Florida Statutes. This information was also provided in the Testimony & Exhibits of Geoff G. Foster, is deemed confidential, and was submitted along with PEF's Second Request for Confidential Classification in the Nuclear Cost Recovery Clause (Dkt# 120009-EI) filed on April 30, 2012.

2. The following exhibits are included with this request:

(a) Sealed Composite Exhibit A is a package containing unredacted copies of all the documents 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.

(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

- COM _____
- APA _____
- ECM 1
- GCS _____
- BAO _____
- SRC _____
- ADM _____
- OPC _____
- CLK _____

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information for which confidential treatment is requested has been blocked out by opaque marker or other means.

(c) Exhibit C is a 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 contractual information and competitively negotiated data, such as the budgeted and in-service costs associated with the Levy Nuclear Plant, the disclosure of which would impair the efforts of the Company to negotiate contracts on favorable terms. *See* § 366.093(3)(d), F.S.; Affidavit of Lori Cross at ¶ 5. Furthermore, the information at issue relates to the competitive interests of PEF and its suppliers, the disclosure of which would impair their competitive businesses. *Id.* § 366.093(3)(e); Affidavit of Lori Cross 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.

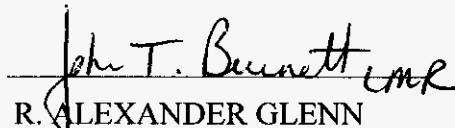
4. The information identified as Exhibit “A” is intended to be and is treated as confidential by the Company. *See* Affidavit of Lori Cross at ¶ 7. The information has not been disclosed to the public, and the Company has treated and continues to treat the information and contracts at issue as confidential. *See* Affidavit of Lori Cross 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 30th day of April, 2012.

Handwritten signature of John T. Burnett in cursive, with the initials "EMR" written at the end of the signature.

R. ALEXANDER GLENN

General Counsel

JOHN T. BURNETT

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Attorneys for

PROGRESS ENERGY FLORIDA, INC.

Exhibit B

REDACTED

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COM _____
APA _____
ECR / _____
GCL _____
RAD _____
SRC _____
ADM _____
OPC _____
CLK _____

DOCUMENT NUMBER-DATE

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Budgeted and Actual In-Service Costs of Nuclear Power Plant

Company: Progress Energy - Florida
 For the Year Ended December 31, 2011

Redacted

Report the budgeted and actual costs as compared to the estimated in-service costs of the proposed power plant as provided in the petition for need determination or revised estimate as necessary. Per Rule 25-6.0423(8)(f)

| Item | | | | |
|---|---|--|----------------------------------|---|
| Plant Name: Levy County Nuclear Unit 1 and 2 | | | | Note 1 |
| | Actual Costs as of December 31, 2011 | Remaining Budgeted Costs to Complete Plant: | Total Estimated Cost of Plant | Estimated Cost provided in the Petition for Need Determination (or revised estimate as necessary) |
| Licensing/Permits/Authorizations/Legal | | | \$ | - |
| Site/Site Preparation | | | \$ | - |
| Related Facilities | | | \$ | - |
| Generation Plant | | | \$ | 10,516,097,000 |
| Transmission Facilities | | | \$ | 2,446,841,000 |
| Total | \$ 674,528,576 | \$ 17,755,034,125 | \$ 18,429,562,701 | \$ 12,962,938,000 |

Note 1: These amounts are based on our Need Determination which was filed March 11, 2008. At that point PEF did not have negotiated or signed contracts in place. Therefore the estimates provided are high level and only broken out between generation and transmission as presented in the Need Petition. As the project continues PEF will have better estimates and contracts in place.

Note 2: Costs included herein are exclusive of AFUDC and Carrying Costs as well as initial fuel load costs.

Exhibit C

PROGRESS ENERGY FLORIDA Confidentiality Justification Matrix

| DOCUMENT/RESPONSES | PAGE/LINE | JUSTIFICATION |
|-----------------------------------|--|---|
| PEF's 2011 Diversification Report | Page 464(a): budgeted and actual in-service costs of Levy Nuclear Plant. | <p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</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> |