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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION
CLERK

In re: Review of coal costs for Progress
Energy Florida's Crystal River Units 4 and
5 for 2006 and 2007

Docket No. 070703-EI

Submitted for Filing: February 15, 2008

**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 certain information provided in response to OPC's Second Request for Production of Documents (Nos. 14-24) propounded on PEF. Specifically, portions of PEF's response to Request 17 contains sensitive and confidential contractual information. For the reasons set forth in PEF's justification matrix and affidavit in support of this request, PEF seeks confidential classification for portions of the documents responsive to these requests for production. In further support of this Request, PEF states:

Basis for Confidential Classification

Subsection 366.093(1), F.S., provides that "any records received by the Commission which

CMP _____
COM _____ are shown and found by the Commission to be proprietary confidential business information shall be

CTR _____
ECR / kept confidential and shall be exempt from [the Public Records Act]." §366,093(1), F.S. Proprietary

GCL / confidential business information means information that is (i) intended to be and is treated as

OPC _____ private confidential information by the Company, (ii) because disclosure of the information would

RCA _____
SCR _____ cause harm, (iii) either to the Company's ratepayers or the Company's business operation, and (iv)

SGA _____ the information has not been voluntarily disclosed to the public §366.093(3), F.S. Specifically,

SEC _____

OTH / *conf records*

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“information relating to competitive business interests” is defined as proprietary confidential business information if the disclosure of such information “would impair the competitive business of the provider of the information.” §366.093(3)(e), F.S. Section 366.093(3)(d) further defines proprietary confidential business information as “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.” §366.093(3)(d), F.S.

The aforementioned discovery sought by OPC should be afforded confidential treatment because portions of the responses to this request for production contain confidential information relating to PEF’s competitive business interests that, if disclosed to the public, would adversely impact PEF’s competitive business interests. Furthermore, public disclosure of the information in question would compromise PEF’s competitive business interests by disclosing sensitive business information and would compromise PEF’s efforts to contract for goods and services on favorable terms.

OPC’s Second Request for Production No. 17

The response to this request for production contains confidential contractual terms and data regarding contracts between PEF and another party, the disclosure of which is prohibited by a confidentiality provision in the contract. Disclosing the contract would violate the terms of the contract. See Affidavit of Sasha Weintraub at ¶ 5. In addition, disclosing the contract would adversely impact PEF’s competitive business interests if disclosed to the public. See Affidavit of Sasha Weintraub at ¶ 5. PEF must be able to assure equipment suppliers that sensitive business information, such as competitively sensitive contracts between two parties, will be kept confidential. Sasha Weintraub at ¶ 6. Indeed, the contract at issue contains a confidentiality provision that

prohibits the disclosure of the terms of the contract to third parties. See Affidavit of Sasha Weintraub at ¶ 5.

Specifically, the information at issue contains competitively negotiated contractual data, such as the price of equipment and other contractual terms, the disclosure of which would impair the efforts of the Company to negotiate equipment purchases on favorable terms. See §366.093(3)(d), F.S.; Affidavit of Sasha Weintraub at ¶ 6. If other third parties are made aware of PEF's confidential deals and contractual terms that PEF has with other parties, they may offer PEF less competitive contractual terms in future contractual negotiations. Id.

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. Affidavit of Sasha Weintraub 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. PEF requests this information be granted confidential treatment by the Commission.

Conclusion

These portions of PEF's responses to OPC Second Request for Production fit the statutory definition of proprietary confidential business information under §366.093, F.S. and Rule 25-22.006, F.A.C., and that information should be afforded confidential classification. In support of this motion, PEF has enclosed the following:

(1) Exhibit A, a separate sealed envelope labeled "CONFIDENTIAL" contains one copy of the confidential documents for which PEF seeks confidential treatment. In this unredacted version, the information asserted to be confidential is highlighted by yellow marker. **This information**

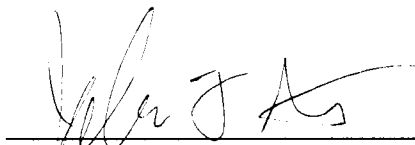
should be accorded confidential treatment pending a decision on PEF's request by the Florida Public Service Commission.

(2) Exhibit B is a package containing two copies of redacted versions of the documents for which confidential treatment is requested and has been blocked out by opaque marker or other means.

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

WHEREFORE, PEF respectfully requests that portions of the responses to OPC's Second Request for Production of Documents (Nos. 14-24), described specifically in Exhibit A, be classified as confidential for the reasons set forth above..

RESPECTFULLY SUBMITTED this 15th day of February, 2008.

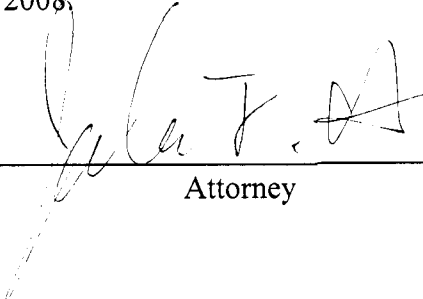


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Attorneys for
PROGRESS ENERGY FLORIDA, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Progress Energy Florida, Inc.'s Request for Confidential Classification, in Docket No. 070703-EI has been furnished by overnight delivery to the following this 17th day of February, 2008.



Attorney

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Exhibit B

REDACTED

DOCKET NO. 070703-EI
PEF's Request for Confidential Classification
Submitted February 15, 2008

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Docket 070703-EI

REDACTED

PEF-CC-001439 – PEF-CC-001524
OPC'S 2nd POD #17

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EXHIBIT C
PROGRESS ENERGY FLORIDA
Confidentiality Justification

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
PEF's Response to OPC's Second Request for Production of Documents, Question No. 17	Bates Nos. PEF-CC-001439 through PEF-CC-001524	<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>

DOCUMENT NUMBER DATE

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COMMISSIONERS:
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NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

CONFIDENTIAL

Public Service Commission

ACKNOWLEDGEMENT

DATE: February 15, 2008

TO: R. Alexander Glenn/Progress Energy

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 070703-EI or, if filed in an undocketed matter, concerning information provided in response to OPC's 2nd request for PODs, Nos. 14-24, specifically response to Request 17, and filed on behalf of Progress Energy Florida, Inc. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

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