RECEIVED-FPSC

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION 1)8 MAR -7 PM 2:57

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

Docket No. 070703-EI

Submitted for Filing: March $\underline{\mathcal{T}}$, 2008

NOTICE OF FILING AFFIDAVIT IN SUPPORT OF REQUEST FOR CONFIDENTIAL CLASSIFICATION

Progress Energy Florida, Inc., ("PEF" or "Company"), by and through their undersigned counsel, hereby gives notice of filing the Affidavit of Sasha Weintraub as Executive Director of Regulated Fuels in support of PEF's Request for Confidential Classification requesting that certain information provided in PEF's response to OPC's Second Set of Interrogatories (Nos. 4-8) be classified as confidential. PEF's Request for Confidential Classification is submitted for filing on March $\frac{7}{2}$, 2008.

Respectfully submitted this $\frac{\mathcal{F}^{\gamma}}{\mathcal{F}^{\gamma}}$ day of March, 2008.

R. Alexander Glenn Deputy General Counsel John T. Burnett Associate General Counsel Progress Energy Service Company, LLC Post Office Box 14042 St. Petersburg, Florida 33733-4042 Telephone: 727-820-5184 Facsimile: 727-820-5249 Email: john.burnett@pgnmail.com

Attorneys for PROGRESS ENERGY FLORIDA, INC.

DOCUMENT NUMBER-DATE

01737 MAR-78

FPSC-COMMISSION CLERK

- CMP _____
- ECR
- GCL
- OPC _____
- RCA
- SCR

SGA

- SEC
- OTH _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Progress Energy Florida, Inc.'s Notice of Filing Affidavit in Support of Request for Confidential Classification, in Docket No. 070703-EI has been furnished by regular U.S. mail to the following this 174 day of March, 2008.

- Uplus 3 Attorney

Joseph A. McGlothlin, Esq. J. R. Kelly, Esq. Office of Public Counsel 111 W. Madison St., Room 812 Tallahassee, FL 32399 Keino Young Lisa Bennett, Esq. Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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: March /, 2008

AFFIDAVIT OF SASHA WEINTRAUB IN SUPPORT OF PROGRESS ENERGY FLORIDA'S <u>REQUEST FOR CONFIDENTIAL CLASSIFICATION</u>

STATE OF NORTH CAROLINA

COUNTY OF WAKE

BEFORE ME, the undersigned authority duly authorized to administer oaths, personally appeared Sasha Weintraub, who being first duly sworn, on oath deposes and says that:

1. My name is Sasha Weintraub. I am over the age of 18 years old and I have been authorized by Progress Energy Florida (hereinafter "PEF" or the "Company") to give this affidavit in the above-styled proceeding on PEF's behalf. This affidavit is filed in support of PEF's Request for Confidential Classification of information contained in PEF's Answers to OPC's Second Set of Interrogatories (Nos. 4-8). The facts attested to in my affidavit are based upon my personal knowledge.

I am the Executive Director of PEF's Regulated Fuels Department.
This section is responsible for coal acquisition for both PEF and Progress Energy
Carolinas ("PEC") systems.

DOCUMENT NUMBER-DATE 0 1 7 3 7 MAR -7 8 FPSC-COMMISSION CLERK 3. As the Executive Director of PEF's Regulated Fuels Department, I am responsible, along with the other members of the section, for the procurement of coal and coal transportation contacts for PEC's and PEF's electrical power generation facilities, and the administration of PEC's and PEF's coal contracts with various suppliers.

4. In this Request for Confidential Classification, PEF is seeking confidential classification for portions of its responses to OPC's Second Set of Interrogatories (Nos. 4-8). The detailed description of the confidential information at issue is outlined in PEF's Justification Matrix that is attached to PEF's Request for Confidential Classification as Exhibit A.

5. Portions of PEF's answers to its response to OPC's Second Set of Interrogatories No. 5 contain competitive confidential business information of both PEF and third-party coal supply and transportation companies that PEF has contracts with. PEF negotiates with potential coal suppliers and transportation companies to obtain competitive contracts for coal options that provide economic value to PEF and its ratepayers. In order to obtain such contracts, however, PEF must be able to assure coal suppliers and transportation companies that sensitive business information, such as the pricing terms and tons of their contracts, will be kept confidential. With respect to the information at issue in this request, PEF has kept confidential and has not publicly disclosed confidential contract terms such as pricing, tons, and similar competitive information. Absent such measures, suppliers and transportation companies would run the risk that sensitive business information that they provided in their contracts with PEF would be made available to the public and, as a result, end up in possession of potential competitors. Faced with that risk, persons or companies who otherwise would contract with PEF might decide not to do so if PEF did not keep those terms of their contracts confidential. Without PEF's measures to maintain the confidentiality of sensitive terms in contracts between PEF and coal suppliers and transportation contractors, the Company's efforts to obtain competitive coal supply and transportation contracts could be undermined.

Additionally, the disclosure of confidential information in PEF's coal supply and transportation contracts, proposals, and other such documents could adversely impact PEF's competitive business interests. If such information was disclosed to PEF's competitors, PEF's efforts to obtain competitive coal supply and transportation options that provide economic value to both PEF and its ratepayers could be compromised by PEF's competitors changing their consumption or purchasing behavior within the relevant markets.

6. Upon receipt of confidential information from coal suppliers and transportation companies, and with its own confidential information, strict procedures are established and followed to maintain the confidentiality of the terms of the documents and information provided, including restricting access to those persons who need the information to assist the Company, and restricting the number of, and access to the information and contracts. At no time since receiving the contracts and information in question has the Company publicly disclosed that information or contracts. The Company has treated and continues to treat the information and contracts at issue as confidential.

7. This concludes my affidavit.

Further affiant sayeth not.

Dated the <u>3'</u> day of <u>March</u> 2008.

(Signature) Alexander (Sasha) Weintraub Executive Director Regulated Fuels Department Progress Energy Carolinas Post Office Box 1551 Raleigh, NC. 27602

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 3^{4} day of 100 cm cm , 2008 by Alexander (Sasha) Weintraub. He is personally known to me, or has produced his n a driver's license, or his as identification.

(Signature)

(AFFIX NOTARIAL SEAL)

Wendy M. Dynn (Printed Name) NOTARY PUBLIC, STATE OF N.C.

Commission Expiration Date)

(Serial Number, If Any)

01737 MAR-7 8

FPSC-COMMISSION CLERK