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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for determination of need for Levy Units 1 and 2 nuclear power plants, by Progress Energy Florida, Inc.

Docket No. 080148-EI

Submitted for Filing: April 23, 2008

**PROGRESS ENERGY FLORIDA'S THIRD REQUEST FOR CONFIDENTIAL CLASSIFICATION REGARDING WHITE SPRINGS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Progress Energy Florida ("PEF" or the "Company"), pursuant to Section 366.093, Fla. Stats., and Rule 25-22.006, F.A.C., files this Request for Confidential Classification for PEF's responses to White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate - White Springs' ("White Springs") First Request for Production of Documents (Nos. 1-7), Request 2.

Specifically, this response calls for the production of a confidential and proprietary transmission study, the disclosure of which would compromise PEF's competitive business interests and place PEF's critical energy infrastructure at risk. Accordingly, PEF hereby submits the following.

**Basis for Confidential Classification**

Subsection 366.093(1), Florida Statutes, provides that "any records received by the Commission which are shown and found by the Commission to be proprietary confidential

CMP \_\_\_\_\_ business information shall be kept confidential and shall be exempt from [the Public Records  
COM \_\_\_\_\_  
CTR \_\_\_\_\_ Act]." § 366.093(1), Fla. Stats. Proprietary confidential business information means  
SCR | information that is (i) intended to be and is treated as private confidential information by the  
OCL |  
OPC \_\_\_\_\_ Company, (ii) because disclosure of the information would cause harm, (iii) either to the  
RCA \_\_\_\_\_ Company's ratepayers or the Company's business operation, and (iv) the information has not  
SCR \_\_\_\_\_ been voluntarily disclosed to the public. § 366.093(3), Fla. Stats. Specifically, subsection  
SCA \_\_\_\_\_  
SEC \_\_\_\_\_ 366.093(3)(e) defines "information relating to competitive interests, the disclosure of which

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would impair the competitive business of the provider of the information,” as proprietary confidential business information. In addition, proprietary confidential business information includes “security measures, systems, or procedures.” §366.093(3)(c), Fla. Stats.

**White Springs’ First Request for Production No. 2**

Portions of PEF’s response to White Springs’ First Request for Production number 2 should be afforded confidential treatment for the reasons set forth in the Affidavit of Dale Oliver filed in support of PEF’s Request for Confidential Classification and for the following reasons. Specifically, portions of the documents responsive to this request contain a confidential transmission study, which provides details regarding PEF’s existing transmission line system as well as information and recommendations for future transmission infrastructure development. Disclosure of this study would impair PEF’s competitive business interests by providing third parties with information regarding PEF’s future plans for expanding and improving its transmission system. See Affidavit of Dale Oliver at ¶ 5. For example, if third party real property owners were to know the planned locations of new transmission line corridors, they may raise the asking price of their property, thus making it more expensive for PEF to purchase necessary easements and property for those transmission corridors. Id. Likewise, if third party contractors with whom PEF contracts to construct the transmission lines were to know PEF’s specific transmission needs, they could increase the price of those goods and services. Id.

Disclosure of this information would also threaten the security of PEF’s existing and proposed transmission lines, which are considered to be critical energy infrastructure. See Affidavit of Dale Oliver at ¶ 6. Specifically, portions of the transmission study contain critical energy infrastructure information, which is specific engineering, vulnerability, or detailed information about proposed or existing critical infrastructure (physical or virtual) that relates

details about the production, generation, transmission or distribution of energy and could be useful to a person planning an attack on critical infrastructure. Id. Therefore, this highly sensitive, confidential information must not be made publicly available.

Upon receipt of this confidential information, and with its own confidential information, strict procedures are established and followed to maintain the confidentiality 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. (Id. at ¶ 7). At no time since receiving the information in question has the Company publicly disclosed that information. Id. The Company has treated and continues to treat the information at issue as confidential. Id.

### Conclusion

The competitive, confidential information at issue in this request fits the statutory definition of proprietary confidential business information under Section 366.093 and Rule 25-22.006, F.A.C. Separate sealed envelopes containing one copy of the confidential exhibits for which PEF intends to request confidential classification with the appropriate section, pages, or lines containing the confidential information highlighted is enclosed herewith as Attachment “A.” **This information should be accorded confidential treatment pending a decision on PEF’s request by the Florida Public Service Commission.**

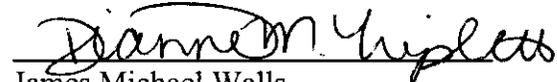
Additionally, two copies of the confidential exhibits with the information that PEF intends to request confidential classification redacted by section page, or lines, are also included herewith as Attachment “B.”

Attachment “C” hereto contains a justification matrix supporting PEF’s request for confidential classification of the highlighted information contained in Attachment A.

WHEREFORE, PEF respectfully requests that the responses to the White Springs' First Request for Production of Documents (Nos. 1-7), Request 2, described specifically in Attachment C, be classified as confidential for the reasons set forth above.

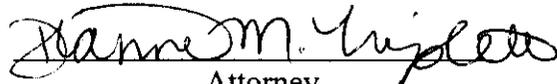
Respectfully submitted this 23<sup>rd</sup> day of April, 2008.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished to counsel and parties of record as indicated below via U.S. Mail this 23<sup>rd</sup> day of April, 2008.

  
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**Public Service Commission**

**ACKNOWLEDGEMENT**

**DATE:** April 23, 2008

**TO:** Diane Tripple, Carlton Fields

**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 080148 or, if filed in an undocketed matter, concerning Responses to White Spring's 1<sup>st</sup> request for PODs, Nos. 1-7, and filed on behalf of Progress Energy. 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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