

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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COMMISSION
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In re: Nuclear Power Plant Cost
Recovery Clause

Docket No. 080009-EI

Submitted for Filing: July 10, 2008

**PROGRESS ENERGY FLORIDA'S FOURTH REQUEST
FOR CONFIDENTIAL CLASSIFICATION**

Progress Energy Florida ("PEF" or the "Company"), pursuant to Section 366.093, Fla. Stats., and Rule 25-22.006, F.A.C., requests confidential classification of portions of the supplemental documents responsive to OPC's Second Request for Production of Documents (Nos. 12-57), specifically portions of documents responsive to POD Request Number 54, which contain confidential, proprietary business information received from third party vendors, the disclosure of which would impair PEF's competitive business interests. The documents are at issue are subject to a Notice of Intent to Request Confidential Classification filed June 26, 2008. The unredacted documents discussed above are being filed under seal with the Commission on a confidential basis to keep the competitive business information in those documents confidential.

The Confidentiality of the Documents at Issue

Section 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 business information shall be kept confidential and shall be exempt from [the Public Records Act]." § 366.093(1), Fla. Stats. Proprietary confidential business information means information that is (i) intended to be and is treated as private

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confidential information by the Company, (ii) because disclosure of the information would cause harm, (iii) either to the Company's ratepayers or the Company's business operation, and (iv) the information has not been voluntarily disclosed to the public.

§ 366.093(3), Fla. Stats. Specifically, "information... the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms" is defined as proprietary confidential business information.

§ 366.093(3)(d), Fla. Stats. Additionally, subsection 366.093(3)(e) defines "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information," as proprietary confidential business information.

PEF's Supplemental Response to OPC's Second Request for Production of Documents No. 54

Portions of the supplemental documents responsive to OPC's Second Request for Production of Documents (Nos. 12-57), specifically portions of documents responsive to Request Number 54, should be afforded confidential treatment for the reasons set forth in the Affidavit of Daniel L. Roderick filed in support of PEF's Fourth Request for Confidential Classification and for the following reasons. OPC's Request Number 54 calls for documents that contain proprietary and confidential information received from PEF's third party vendors regarding the CR3 Uprate project. PEF is requesting confidential classification of its responses because public disclosure of the documents and information in question would impair PEF's competitive business interests. (Affidavit of Daniel L. Roderick at ¶ 5). Specifically, if PEF's suppliers or contract vendors were made aware that PEF did not protect the proprietary, technical information of the parties with whom PEF contracts, they may adjust their behavior in the market

place with respect to activity such as pricing and the acquisition and provision of goods, materials, and services. (Id.) In addition, such third party contractors may choose not to provide such services to PEF at all. (Id.)

PEF also has a contractual obligation to maintain the confidentiality of any material or information that the third party supplier of such information deems proprietary. (Affidavit of Daniel L. Roderick at ¶ 6) The third party which provided this information to PEF considers this information to be proprietary; thus, pursuant to its contract with that third party, PEF must not publicly disclose this information. (Id.)

Upon receipt of this confidential information, strict procedures are established and followed to maintain the confidentiality of the 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. (Affidavit of Daniel L. Roderick 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., 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 Fourth 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;**

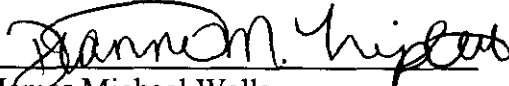
(2). Two copies of the documents with the information for which PEF intends to request confidential classification redacted by section, page, or lines where appropriate as Appendix B; and

(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 the redacted portions of its supplemental responses to OPC's Second Request for Production, Nos. 12-57, specifically Request 54, be classified as confidential for the reasons set forth above.

Respectfully submitted this 10th day of July, 2008.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Progress Energy Florida, Inc.'s Fourth Request for Confidential Classification in Docket No. 080009-EI has been furnished electronically and by regular U.S. mail to the following this 10th day of July, 2008.



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Public Service Commission

ACKNOWLEDGEMENT

DATE: July 10, 2008

TO: Dianne M. Triplett, Esquire/Progress

FROM: Marguerite H. McLean, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 080009-EI (DN 05947-08) or, if filed in an undocketed matter, concerning supplemental responses to OPC's 2nd request for production of documents (No. 54), and filed on behalf of Progress Energy Florida. The document will be maintained in locked storage.

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