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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION 08 AUG 25 PM 3:00

COMMISSION
CLERK

In re: Fuel and purchased power cost
Recovery clause with generating performance
Incentive factor.

Docket No. 080001-EI

Submitted for Filing: August 25, 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 Staff's Third Set of Interrogatories (Nos. 15-19) propounded on PEF. In support of this Request, PEF states:

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

COM _____
ECR because disclosure of the information would cause harm, (iii) either to the Company's ratepayers
GCL
OPC _____
RCP _____
SSC _____
SGA _____
ADM _____
CLK or the Company's business operation, and (iv) the information has not been voluntarily disclosed to the public. §366.093(3), F.S. Specifically, "information relating to competitive interests" is

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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 Staff should be afforded confidential treatment because portions of the responses contain proprietary confidential business information relating to PEF’s contractual arrangements. Public disclosure of the information in question would compromise PEF’s efforts to contract for goods and services on favorable terms.

Portions of Responses to Staff’s Third Set of Interrogatories

Portions of PEF’s responses to Staff’s Third Set of Interrogatories, specifically Question 17, should be afforded confidential treatment for the reasons set forth in the Affidavit of Alexander Weintraub filed in support of PEF’s Request for Confidential Classification and for the following reasons. Portions of PEF’s response to Question 17 contain projected coal prices provided by fuel forecast companies to PEF that would adversely impact PEF’s competitive business interests if disclosed to the public. *See* Affidavit of Alexander Weintraub at ¶ 5.

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 the forecasted price of coal, the disclosure of which would impair the efforts of the Company to negotiate coal supply contracts on favorable terms. *See* § 366.093(3)(d), F.S.; *See* Affidavit of Alexander Weintraub at ¶ 5.

If other third parties were made aware of confidential forecasted coal prices that PEF received from fuel forecast companies, they may offer PEF less competitive contractual terms in future contractual negotiations. *See* Affidavit of Alexander Weintraub at ¶ 5.

Strict procedures are established and followed to maintain the confidentiality of the terms of the confidential information at issue, including restricting access to those persons who need the information and documents to assist the Company. *See* Affidavit of Alexander Weintraub at ¶ 6.

At no time has the Company publicly disclosed the confidential information at issue. *Id.* The Company has treated and continues to treat the information at issue as confidential. *Id.*

Conclusion

Certain portions of the PEF's response to Staff's Third Set of Interrogatories fit the statutory definition of proprietary confidential business information under Section 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:

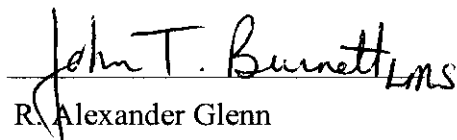
(1). A separate sealed envelope labeled "Exhibit A" is a package containing unredacted copies of all the documents for which PEF seeks confidential treatment. Exhibit A is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted versions, the information asserted to be confidential is highlighted by yellow marker.

(2). Exhibit B is a package containing two copies of redacted versions of the documents for which the Company requests confidential classification. The specific information for which confidential treatment is requested 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 the information described specifically in Exhibit C, 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..

RESPECTFULLY SUBMITTED this 25th day of August, 2008.

The image shows a handwritten signature in black ink that reads "John T. Burnett". To the right of the signature, the initials "LMS" are written in a smaller, less distinct hand.

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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. 080001-EI has been furnished by regular U.S. mail (* via hand delivery) to the following this 25th day of August, 2008.


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CONFIDENTIAL

Public Service Commission

ACKNOWLEDGEMENT

DATE: August 26, 2008

TO: John Burnett, Progress Energy

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

RECEIVED

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket Number 080001 or, if filed in an undocketed matter, concerning information provided in response to staff's 3rd set of Interrogatories (Nos. 15-19), 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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