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September 19, 2008

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**VIA HAND DELIVERY**

Ms. Ann Cole  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**Re: DOCKET NO. 080512-EQ - Petition for Approval of a Negotiated Power Purchase Contract for Purchase of Firm Capacity and Energy with Vision/FL, LLC by Progress Energy Florida, Inc.**

Please find enclosed for filing a Request for Confidential Classification.

Thank you for your assistance in this matter. Please call me at 850-425-1614 if you have any questions.

Sincerely,



Matthew Feil

COM \_\_\_\_\_  
ECR \_\_\_\_\_  
GCL 1 \_\_\_\_\_  
OPC \_\_\_\_\_  
RCP \_\_\_\_\_  
SSC \_\_\_\_\_  
SGA \_\_\_\_\_  
ADM \_\_\_\_\_  
CLK 1 Enclosures

cc: Jean Hartman (by hand delivery)  
Phillip Ellis (by hand delivery)  
Lisa Stright (by hand delivery)  
John Burnett (by U.S. mail)

DOCUMENT NUMBER-DATE

08854 SEP 19 08

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Approval of a Negotiated )  
Power Purchase Contract for Purchase of )  
Firm Capacity and Energy with Vision/FL, LLC )  
by Progress Energy Florida, Inc. )  
\_\_\_\_\_ )

Docket No. 080512-EQ  
Filed: September 19, 2008

**REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Vision FL I LLC, ("Vision" or "the Company"),<sup>1</sup> by and through its undersigned counsel, and pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby requests confidential classification of certain material contained in **Appendices DR-2, DR-4 and DR-6** in Vision's Responses to Staff's First Data Request filed on August 29, 2008, identified collectively as **Document No. 07975-08**. Attached to this Request is an envelope marked "CONFIDENTIAL" containing the sole copy of the confidential information being provided. Two public, redacted versions of the confidential information is also provided with this Request. In support of this Request, Vision states as follows:

1. Subsection 366.093(1), Florida Statutes, provides that upon request, records received by the PSC which are "found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from s. 119.07(1)."

2. "Proprietary confidential business information" is defined as meaning "information, regardless of form or characteristics, which is owned or controlled by the ... company, is intended to be and is treated by the ... company as private in that the disclosure of the information would cause harm to the ratepayers or the company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or

<sup>1</sup> On its own behalf and on behalf its affiliates, including Vision Power Systems, Inc.

administrative body, or private agreement that provides that the information will not be released to the public." Section 366.093(3), Florida Statutes.

3. Proprietary confidential business information includes, but is not limited to, information concerning:

- (a) Trade secrets.
- (b) Internal auditing controls and reports of internal auditors.
- (c) Security measures, systems, or procedures.
- (d) 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.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

Section 366.093(3), Florida Statutes.

4. The confidential portions of the information being provided to the Commission fall within these statutory definitions, and therefore constitute proprietary confidential business information entitled to protection under Section 366.093 and Rule 25-22.006.

5. Attachment 1 to this Request consists of a chart, which specifically sets forth a line-by-line justification for maintaining specific information in **Document No. 07975-08** as confidential. To be clear, this information has not been released to the public, and is treated by Vision as private, confidential information, the release of which could have a severe impact on business operations and private negotiations. The subject information is therefore proprietary

confidential business information and is entitled to protection under Section 366.093 and Rule 25-22.006.

6. Pursuant to Section 366.093(4), Florida Statutes, and Rule 25-22.006(9), Florida Administrative Code, Vision requests that the information described above as proprietary confidential business information be protected from disclosure for a period of at least 18 months and all information should be returned to Vision as soon as the information is no longer necessary for the Commission to conduct its business.

Respectfully submitted this 19 day of September, 2008.

By: 

Matthew Feil  
AKERMAN SENTERFITT  
106 East College Avenue, Suite 1200  
Tallahassee, FL 32301  
(850) 425-1614  
matt.feil@akerman.com

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of this Request has been served upon the following by Hand Delivery (\*) and/or U.S. Mail this 19 day of September, 2008.

Phillip Ellis \*  
Office of Strategic Analysis & Gov. Affairs  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Room 160, Gunter Building  
Tallahassee, FL 32399-0850

Jean E. Hartman, Senior Attorney \*  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Room 370, Gunter Building  
Tallahassee, FL 32399-0850

John Burnett  
Progress Energy Service Company, LLC  
P.O. Box 14042  
Saint Petersburg, FL 33733-4042



Matthew Feil  
**AKERMAN SENTERFITT**  
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## ATTACHMENT 1

<u>Location</u>	<u>Information</u>	<u>Justification</u>
Appendix DR-2, Page 1, Paragraph 2, Lines 6 – 8. <sup>2</sup>	Highlighted numbers	These proprietary numbers are integral to the Company's unique operational methods and, if disclosed, competitors could emulate those methods to the detriment of the Company's competitive advantage and interests.
Appendix DR-2, Page 1, Paragraph 3, Lines 10 - 12	Highlighted numbers	These proprietary numbers are integral to the Company's unique operational methods and, if disclosed, competitors could emulate those methods to the detriment of the Company's competitive advantage and interests.
Appendix DR-2, Page 1, Paragraph 4, Line 18	Highlighted number	The proprietary number is integral to the Company's unique operational methods and, if disclosed, competitors could emulate those methods to the detriment of the Company's competitive advantage and interests.
Appendix DR-2, Page 1, Paragraph 5, Line 23	Highlighted number	The proprietary number is integral to the Company's unique operational methods and, if disclosed, competitors could emulate those methods to the detriment of the Company's competitive advantage and interests.
Appendix DR-2, Page 2, Paragraph 2, <sup>3</sup> Lines 7 -9.	Highlighted numbers	These proprietary numbers are integral to the Company's unique operational methods and, if disclosed, competitors could emulate those methods to the detriment of the Company's competitive

<sup>2</sup> Blank lines are counted as lines in the chart references, and line numbers are not restarted for each new paragraph.

<u>Location</u>	<u>Information</u>	<u>Justification</u>
		advantage and interests.
Appendix DR-2, Page 3, Paragraph 1, <sup>4</sup> Line 2	Highlighted numbers	These proprietary numbers are integral to the Company's unique operational methods and, if disclosed, competitors could emulate those methods to the detriment of the Company's competitive advantage and interests.
Appendix DR-4, Page 1, Rows 1 – 9, Columns 5 and 6.	Highlighted text and numbers	Vision is a closely-held concern. The referenced information is proprietary and pertains to Company facilities in other jurisdictions. If disclosed, competitors could use this information to the detriment of the Company's interests.
Appendix DR-6, Page 1, Paragraph 1, Line 2.	Highlighted name and number	Disclosure of the name and land holdings identified could have a detrimental impact on the Company's on-going negotiations with that entity and other entities with which the Company may negotiate contracts for property.

<sup>3</sup> Paragraph numbering starts with the letter body.

<sup>4</sup> Paragraph numbering starts with the letter body.

COMMISSIONERS:  
MATTHEW M. CARTER II, CHAIRMAN  
LISA POLAK EDGAR  
KATRINA J. MCMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

STATE OF FLORIDA



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

## Public Service Commission

### ACKNOWLEDGEMENT

DATE: September 19, 2008

TO: Matthew Feil, Esquire/Akerman Senterfitt

FROM: Marguerite H. McLean, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

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This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 080512-EQ (DN 08856-08) or, if filed in an undocketed matter, concerning certain material contained in Appendices DR-2, DR-4, and DR-6 in responses to staff's 1st data request filed on 8/29/08, and filed on behalf of Vision / FL. 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.

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CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

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PSC Website: <http://www.floridapsc.com>

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