

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

Dated: October 31, 2008

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**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 included in and attached as exhibits to the written testimony of Sasha Weintraub. Specifically, portions of the written testimony of this witness and exhibits attached to Sasha Weintraub's testimony contain sensitive and confidential business information (such as contractual information, internal analyses and strategies, proprietary third party information, and financial information) as well as contractual pricing arrangements between PEF and third parties that would adversely impact PEF's competitive business interest if disclosed to the public. Accordingly, PEF hereby submits the following.

**Basis for Confidential Classification**

Subsection 366.093(1), F.S., 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) because disclosure of the information would

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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), F.S. Specifically, "information relating to competitive business interest" is 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. Additionally, proprietary confidential business information includes "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 written testimony and exhibits attached thereto should be afforded confidential treatment because portions of the testimony and attached exhibits contain confidential information relating to PEF's competitive interests. Public disclosure of the information in question would compromise PEF's competitive business interests by disclosing sensitive business information and would undermine PEF's efforts to contract for goods or services on favorable terms.

#### **Sasha Weintraub Written Testimony and Attached Exhibits**

Portions of Sasha Weintraub's direct testimony, and exhibits to his written testimony should be afforded confidential treatment for the reasons set forth in the Affidavit of Sasha Weintraub filed in support of this request for confidential classification and for the following reasons. The information on page 8, lines 16-19 of Sasha Weintraub's testimony, and pages 4-6 of Exhibit SAW-4 attached to his testimony, as explained in the attached Justification Matrix, includes confidential PEF hedging information. PEF negotiates with potential fuel suppliers to obtain competitive hedging pricing for fuel that provides economic value to PEF and its ratepayers. See Affidavit of Sasha Weintraub at ¶ 5. In order to obtain such contracts, PEF must assure fuel suppliers that sensitive

business information will be kept confidential. Id. With respect to the information at issue in this Request, PEF has kept confidential and has not publicly disclosed confidential company information such as these hedging terms, volumes and prices. See Affidavit of Sasha Weintraub at ¶ 7. Public disclosure of this information would undermine PEF's efforts to obtain competitive hedging contracts, as well as adversely impact the Company's competitive business interests. See Affidavit of Sasha Weintraub at ¶ 5 and 6.

### **Conclusion**

These portions of written testimony and exhibits attached thereto fit the statutory definition of proprietary confidential business information under §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:

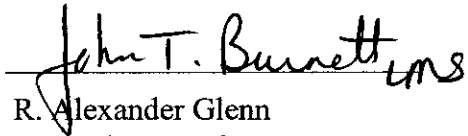
(1) Exhibit A, a separate sealed envelope labeled "CONFIDENTIAL" containing one copy of the confidential documents for which PEF seeks confidential treatment. In this unredacted version, the confidential information is highlighted in yellow.

(2) Exhibit B is a package containing two copies of redacted versions of the documents for which confidential treatment is requested.

(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 portions of written testimony and exhibits attached thereto, described specifically in Exhibit A, be classified as confidential for the reasons set forth above.

RESPECTFULLY SUBMITTED this 31st day of October, 2008.

Handwritten signature of John T. Burnett in black ink, written over a horizontal line.

R. Alexander Glenn

General Counsel

John T. Burnett

Associate General Counsel

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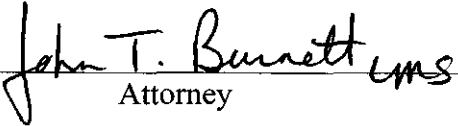
Email: [john.burnett@pgnmail.com](mailto:john.burnett@pgnmail.com)

Attorneys for

PROGRESS ENERGY FLORIDA, INC.

**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. 070703-EI has been furnished by regular U.S. mail to the following this 31st day of October, 2008.

  
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## ACKNOWLEDGEMENT

DATE: October 31, 2008

TO: John Burnett, Florida Power & Light

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 070703 or, if filed in an undocketed matter, concerning certain information included in and attached as exhibits to written testimony of Sasha Weintraub, and filed on behalf of Progress Energy Florida, Inc. 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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