

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Petition by Progress Energy Florida, Inc.  
to recover costs of Crystal River Unit 3  
uprate through fuel clause

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Docket No. 070052-EI

Submitted: February 23, 2009

**FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATIONS  
GRANTED BY ORDER(S) NO. PSC-07-0688-CFO-EI and PSC-07-0689-CFO-EI**

NOW, BEFORE THIS COMMISSION, through undersigned counsel, comes Progress Energy Florida, Inc. ("PEF") and, pursuant to Rule 25-22.006(3), Florida Administrative Code, and Section 366.093 of the Florida Statutes, submits its First Request for Extension of Confidential Classification of certain information provided in connection with its response to discovery requests. In support of its request, PEF states as follows:

**ORDER NO. PSC-07-0688-CFO-EI**

1. On June 20, 2007, PEF requested confidential classification of documents responsive to Florida Industrial Power User Group ("FIPUG") First Request for Production of Documents (Nos. 1 – 6), specifically portions of documents responsive to Request Number 2. That request was granted by Order No. PSC-07-0688-CFO-EI, issued on August 23, 2007. The period of confidential treatment granted by that order will soon expire. Accordingly, PEF is filing this request for an extension of confidential classification.

2. PEF incorporates its June 20, 2007 Request, and the exhibits attached thereto, herein by reference. Additionally, included with this request is an Exhibit D, containing the affidavit of Steven Huntington in support of the continued confidential classification of the Confidential Information.

3. All of the information that was the subject of PEF's June 20, 2007 Request warrants continued treatment as proprietary information regarding PEF's confidential and proprietary internal strategies and analysis studies of PEF's programs and contracts, within the meaning of Section 366.093(1), Florida Statutes. This material is intended to be and is treated by PEF as confidential and has not been disclosed. This material relates to the CR3 Uprate which is an ongoing project. Pursuant to Section 366.093, such information is entitled to confidential treatment and is exempt from the disclosure provisions of the public records law. Thus, once the Commission determines that the information in question is proprietary confidential business information, the Commission is not required to engage in any further analysis or review such as weighing the harm of disclosure against the public interest in access to the information.

4. As indicated in the affidavit included as Exhibit D, public disclosure of the documents and information in question would impair PEF's competitive business. Specifically, if PEF's suppliers or competitors were made aware of PEF's internal strategies and analysis studies, 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. Such information is protected from public disclosure pursuant to Sections 366.093(3)(d) and 366.093(3)(e), Florida Statutes.

5. Nothing has changed since the issuance of Order PSC-07-0688-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate. Accordingly, PEF requests that this information be accorded confidential classification for an additional eighteen month period. PEF further requests that the information be returned to PEF as soon as the information is no longer necessary for the Commission to conduct its business. *See* § 366.093(4), Fla. Stat.

**ORDER NO. PSC-07-0689-CFO-EI**

1. On June 7, 2007, PEF requested confidential classification of documents responsive to Office of Public Counsel's ("OPC") First Request for Production of Documents (Nos. 1 – 2) and portions of the attachments responsive to OPC's First Set of Interrogatories (Nos. 1-18), specifically portions of documents responsive to Request Number 2. That request was granted by Order No. PSC-07-0688-CFO-EI, issued on August 23, 2007. The period of confidential treatment granted by that order will soon expire. Accordingly, PEF is filing this request for an extension of confidential classification.

2. PEF incorporates its June 7, 2007 Request, and the exhibits attached thereto, herein by reference. Additionally, included with this request is an Exhibit D, containing the affidavit of Steven Huntington in support of the continued confidential classification of the Confidential Information.

3. All of the information that was the subject of PEF's June 7, 2007 Request warrants continued treatment as proprietary information regarding contracts within the meaning of Section 366.093(1), Florida Statutes. This material is intended to be and is treated by PEF as confidential and has not been disclosed. This material relates to the CR3 Uprate, which is an ongoing project. Pursuant to Section 366.093, such information is entitled to confidential treatment and is exempt from the disclosure provisions of the public records law. Thus, once the Commission determines that the information in question is proprietary confidential business information, the Commission is not required to engage in any further analysis or review such as weighing the harm of disclosure against the public interest in access to the information.

4. As indicated in the affidavit included as Exhibit D, the information that PEF asserts is proprietary and confidential business information would violate confidentiality

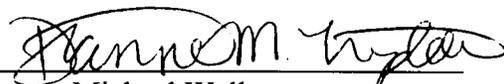
agreements between PEF and its nuclear plant contractors and would impair PEF's ability to contract for such services on competitive and favorable terms. Such information is protected from public disclosure pursuant to Sections 366.093(3)(d) and 366.093(3)(e), Florida Statutes.

5. Nothing has changed since the issuance of Order PSC-07-0689-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate. Accordingly, PEF requests that this information be accorded confidential classification for an additional eighteen month period. PEF further requests that the information be returned to PEF as soon as the information is no longer necessary for the Commission to conduct its business. *See* § 366.093(4), Fla. Stat.

**WHEREFORE**, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavit included with this request, Progress Energy Florida, Inc. respectfully requests that is First Request for Extension of Confidential Classification granted by Order(s) No. PSC-07-0688-CFO-EI and PSC-07-6889-CFO-EI be granted.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing in Docket No. 070052-EI has been furnished by regular U.S. mail to the following this 22<sup>nd</sup> day of February, 2009.

  
\_\_\_\_\_  
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In re: Petition by Progress Energy Florida, Inc.  
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uprate through fuel clause

Docket No. 070052-EI

AFFIDAVIT OF STEVEN HUNTINGTON

STATE OF FLORIDA

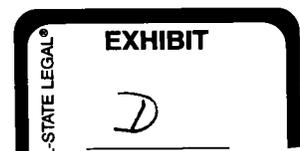
COUNTY OF CITRUS

BEFORE ME, the undersigned authority duly authorized to administer oaths, personally appeared Steven Huntington, who being first duly sworn, on oath deposes and says that:

1. My name is Steven Huntington. I am over the age of 18 years old and I have been authorized by Progress Energy Florida (hereinafter "PEF" or the "Company") to give this affidavit in the above-styled proceeding on PEF's behalf and in support of PEF's First Request for Extension of Confidential Classification. The facts attested to in my affidavit are based upon my personal knowledge.

2. The documents and materials that PEF asserts in both PEF's First and Second Request for Confidential Classification granted by Order Nos. PSC-07-0688-CFO-EI and PSC-07-0689-CFO-EI, respectively, contain or constitute specific information regarding PEF's proprietary and confidential business information. These documents and materials relate to the CR3 uprate, which is an ongoing project. Disclosure of this information would impair the competitive interests of PEF, as well as PEF's ability to contract on favorable terms. To the best of my knowledge, PEF has maintained the confidentiality of these documents and materials.

3. No significant changes have occurred since the issuance of Order Nos. PSC-07-0688-CFO-EI and PSC-07-0689-CFO-EI to render the information stale or public such that



continued confidential treatment would not be appropriate. Accordingly, this information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than eighteen months. These materials should be returned to PEF as soon as the information is no longer necessary for the Commission to conduct its business so that PEF can continue to maintain the confidentiality of these documents.

4. This concludes my affidavit.

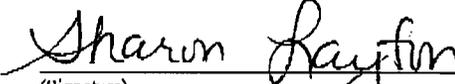
Further affiant sayeth not.

Dated the 23<sup>rd</sup> day of February, 2009.

  
\_\_\_\_\_  
(Signature)  
Steven Huntington  
[check on title] General Manager  
Nuclear Projects and Construction  
Crystal River Unit 3  
Crystal River Energy Complex  
Site Administration 2C  
15760 West Power Line Street  
Crystal River, Florida 34428

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 23<sup>rd</sup> day of February, 2009 by Steven Huntington. He is personally known to me, or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.



  
\_\_\_\_\_  
(Signature)  
Sharon Layton  
\_\_\_\_\_  
(Printed Name)  
NOTARY PUBLIC, STATE OF FL  
6-13-2012  
\_\_\_\_\_  
(Commission Expiration Date)  
\_\_\_\_\_  
(Serial Number, If Any)