

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear cost recovery clause.

DOCKET NO. 090009-EI
ORDER NO. PSC-09-0483-CFO-EI
ISSUED: July 6, 2009

ORDER GRANTING PROGRESS ENERGY FLORIDA, INC.'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 01647-09)

On March 2, 2009, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Progress Energy Florida, Inc. (PEF) filed a request for confidential classification of portions of Exhibits WG-1 and WG-2 to Will Garrett's testimony (Document No. 01647-09). This request was filed in Docket No. 090009-EI.

Request for Confidential Classification

Section 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 Section 119.07(1) [the Public Records Act]." Section 366.093(3), F.S., defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Paragraphs (d) and (e) of Section 366.093, F.S., provide that proprietary confidential business information includes, but is not limited to "[i]nformation 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;" and "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information."

PEF contends that the information contained in portions of Exhibits WG-1 and WG-2 to Will Garrett's testimony, as more specifically described in the table in Attachment A, falls within these categories and, thus, constitutes proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. PEF states that this information is intended to be and is treated by PEF as private and has not been publicly disclosed.

PEF specifically contends that the information in question contains contractual information regarding the purchase of equipment, materials, services and real property necessary for the construction and operation of the Levy Nuclear Power Project and the Crystal River Unit 3 Power Uprate Project. PEF submits that these documents contain contractual quantities and pricing arrangements between PEF and third parties, the public disclosure of which would adversely impact PEF's competitive business interest and violate certain terms of PEF's contracts with third parties. PEF also contends that the information in question relates to

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competitively negotiated contractual data such as the price PEF is willing to pay for real property, the duration of service contracts, and other sensitive pricing information that if disclosed to the public would impair PEF's efforts to negotiate such contracts on favorable terms.

Ruling

Upon review, it appears the above-referenced information satisfies the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information. The information constitutes "[i]nformation 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;" and "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." Thus, the information identified in Document No. 01647-09 shall be granted confidential classification.

Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless PEF or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

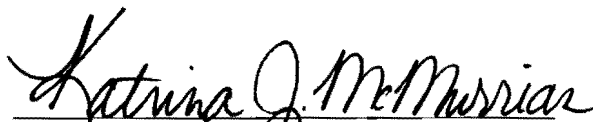
Based on the foregoing, it is

ORDERED by Commissioner Katrina J. McMurrian, as Prehearing Officer, that Progress Energy Florida, Inc.'s Request for Confidential Classification of Document No. 01647-09 is granted. It is further

ORDERED that the information in Document No. 01647-09 for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Katrina J. McMurrian, as Prehearing Officer, this 6th
day of July, 2009.


KATRINA J. McMURRIAN
Commissioner and Prehearing Officer

(SEAL)

KY/ smc

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

Attachment A

Document Description	Page No./ Line No./ Column No.
<p>Exhibit WG-1 (Schedule T-8)</p>	<p>Page 1, Line 1, Columns C, D, E, F, G, H, & K; Page 1, Line 2, Columns C, D, E, F, G, & H; Page 1, Line 3, Columns C, D, E, F, G, & H; Page 1, Line 4, Columns C, D, E, F, G, & H; Page 1, Line 5, Columns C, D, E, F, G, & H; Page 1 Line 6, Columns C, D, E, F, G, & H; Page 1, Line 7, Columns C, D, E, F, G, & H; Page 2, Line 8, Columns C, D, E, F, G, & H; Page 2, Line 9, Columns C, D, E, F, G, & H; Page 2, Line 10, Columns C, D, E, F, G, H, & K; Page 2, Line 11, Columns C, D, E, F, G, H, & K; Page 2, Line 12, Columns C, D, E, F, G, H, & K; Page 2, Line 13, Columns C, D, E, F, G, H, & K; Page 2, Line 14, Columns C, D, E, F, G, H, & K; Page 3, Line 15, Columns C, D, E, F, G, & H; Page 3, Line 16, Columns C, D, E, F, G, & H; Page 3, Line 17, Columns C, D, E, F, G, & H; Page 3, Line 18, Columns C, D, E, F, G, & H; Page 3, Line 19, Columns C, D, E, F, G, & H; Page 3, Line 20, Columns C, D, E, F, G, & H; Page 3, Line 21, Columns C, D, E, F, G, & H; Line 3, Columns C, D, E, F, G, H, & I; Page 3, Line 23, in its entirety</p>
<p>Exhibit WG-1 (Schedule T-8A)</p>	<p>Page 1, Line 8, all numbers after colon; Page 1, Line 10, all numbers after colon; Page 1, Line 11, all numbers after colon; Page 2, Line 10, all numbers after colon; Page 2, Line 12, all numbers after colon; Page 2, Line 13, all numbers after colon; Page 3, Line 11, all numbers after colon; Page 3, Line 13, all numbers after colon; Page 3, Line 14, all numbers after colon; Page 4, Line 11, all numbers after colon; Page 4, Line 13, all numbers after colon; Page 4, Line 14, all numbers after colon;</p>

	<p>Page 5, Line 11, all numbers after colon; Page 5, Line 13, all numbers after colon; Page 5, Line 14, all numbers after colon; Page 6, Line 11, all numbers after colon; Page 6, Line 13, all numbers after colon; Page 6, Line 14, all numbers after colon; Page 7, Line 11, all numbers after colon; Page 7, Line 13, all numbers after colon; Page 7, Line 14, all numbers after colon; Page 8, Line 10, all numbers after colon; Page 8, Line 12, all numbers after colon; Page 8, Line 13, all numbers after colon; Page 9, Line 10, all numbers after colon; Page 9, Line 12, all numbers after colon; Page 9, Line 13, all numbers after colon; Page 10, Line 13, all numbers after colon; Page 10, Line 15, all numbers after colon; Page 10, Line 16, all numbers after colon; Page 11, Line 9, all numbers after colon; Page 11, Line 11, all numbers after colon; Page 11, Line 12, all numbers after colon; Page 12, Line 12, all numbers after colon; Page 12, Line 14, all numbers after colon; Page 12, Line 15, all numbers after colon; Page 13, Line 12, all numbers after colon; Page 13, Line 14, all numbers after colon; Page 13, Line 15, all numbers after colon; Page 14, Line 10, all numbers after colon; Page 14, Line 12, all numbers after colon; Page 14, Line 13, all numbers after colon; Page 15, Line 9, all numbers after colon; Page 15, Line 11, all numbers after colon; Page 15, Line 12, all numbers after colon; Page 16, Line 9, all numbers after colon; Page 16, Line 11, all numbers after colon; Page 16, Line 12, all numbers after colon; Page 17, Line 11, all numbers after colon; Page 17, Line 13, all numbers after colon; Page 17, Line 14, all numbers after colon; Page 18, Line 13, all numbers after colon; Page 18, Line 15, all numbers after colon; Page 18, Line 16, all numbers after colon; Page 19, Line 11, all numbers after colon; Page 19, Line 13, all numbers after colon; Page 19, Line 14, all numbers after colon; Page 20, Line 11, all numbers after colon;</p>
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	<p>Page 20, Line 13, all numbers after colon; Page 20, Line 14, all numbers after colon; Page 21, Line 10, all numbers after colon; Page 21, Line 12, all numbers after colon; Page 21, Line 13, all numbers after colon; Page 22, Line 4, all words after the colon; Page 22, Line 10, all numbers after colon; Page 22, Line 12, all numbers after colon; Page 22, Line 13, all numbers after colon</p>
<p>Exhibit WG-1 (Schedule T-8B)</p>	<p>Line 1, Columns C, D, and E; Line 2, Columns C, D, and E; Line 3, Columns C, D, and E; Line 4, Columns C, D, and E; Line 5, Columns C, D, and E; Line 6, Column E; Line 7, Column E; Line 8, Column E; Line 9, Columns C, D, and E; Line 10, Columns C, D, and E; Line 11, Columns C, D, and E; Line 12, Columns C, D, and E; Line 13, Column E; Line 14, Column E</p>
<p>Exhibit WG-2 (Schedule T-8)</p>	<p>Page 1, Line 1, Columns C, D, E, F, G, and H;</p>
<p>Exhibit WG-2 (Schedule T-8A)</p>	<p>Page 1, Lines 17, 21, and 23 in their entirety; Page 2, Lines 16, 20, and 22 in their entirety; Page 3, Lines 16, 20, and 22 in their entirety; Page 4, Lines 16, 20, and 22 in their entirety; Page 5, Lines 17, 21, and 23 in their entirety; Page 6, Lines 16, 20, and 22 in their entirety; Page 7, Lines 16, 20, and 22 in their entirety; Page 8, Lines 16, 20, and 22 in their entirety; Page 9, Lines 16, 20, and 22 in their entirety; Page 10, Lines 16, 20, and 22 in their entirety</p>