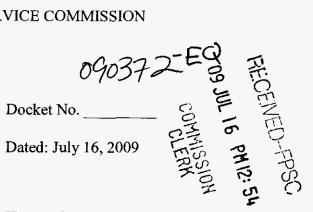
BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Progress Energy Florida, Inc. for approval of a negotiated purchase power contract with FB Energy, LLC.



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 contained in the negotiated contract ("the Contract") between PEF and FB Energy, LLC ("FB Energy") filed on July 16, 2009. In support of this Request, PEF states:

1. The Contract contains information that is "proprietary business information" under Section 366.093(3), Florida Statutes.

2. The following exhibits are included with this request:

(a) Sealed Composite Exhibit A is a package containing unredacted copies of all the documents for which PEF seeks confidential treatment. Composite 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.

COM									
ECR	}	(b)	Compo	site Exhibit B	is a packag	e containing t	two copies of r	edacte	d versions
GCL		1	c 1 · 1	1 0					
OPC	of th	e documents	for which	the Compan	y requests	confidential	classification	. The	e specific
RCP	en miller innerster								
SSC	. are forested to a first								
SGA									
ADM							DOCUMEN	r num	BER-DATE
CLK							0719	95.	JUL 16 8
							5.1.		

FPSC-COMMISSION CLERK

information for which confidential treatment is requested has been blocked out by opaque marker or other means.

(c) Exhibit C is a table which identifies by page and line the information for which PEF seeks confidential classification and the specific statutory bases for seeking confidential treatment.

3. 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 competitively negotiated contractual data, such as cost analysis information, specific contract language, time periods, term limits, percentages, insurance amounts and pricing, the disclosure of which would impair the efforts of the Company or its affiliates to negotiate purchase power contracts on favorable terms. *See* § 366.093(3)(d), F.S.; Affidavit of David Gammon at $\P 5$. Furthermore, the information at issue relates to the competitive interests of PEF, the disclosure of which would impair their competitive businesses. *Id.* § 366.093(3)(e); Affidavit of David Gammon at $\P 6$. Accordingly, such information constitutes "proprietary confidential business information" which is exempt from disclosure under the Public Records Act pursuant to Section 366.093(1), F.S.

4. The information identified as Exhibit "A" is intended to be and is treated as confidential by the Company. See Affidavit of David Gammon at \P 7. The information has not been disclosed to the public, and the Company has treated and continues to treat the information and contracts at issue as confidential. See Affidavit of David Gammon at \P 7.

5. PEF requests that the information identified in Exhibit A 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.

WHEREFORE, for the foregoing reasons, PEF respectfully requests that this Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 16th day of July, 2009.

Burnettins

R. ALEXANDER GLENN General Counsel - Florida JOHN T. BURNETT Associate General Counsel - Florida Progress Energy Service Company, LLC Post Office Box 14042 St. Petersburg, Florida 33733-4042 Telephone: 727-820-5184 Facsimile: 727-820-5249 Email: john.burnett@pgnmail.com

Attorneys for PROGRESS ENERGY FLORIDA, INC.

STATE OF FLORIDA

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



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

Hublic Service Commission

ACKNOWLEDGEMENT

DATE: July 16, 2009

TO: John Burnett, Progress Energy

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 090372 or, if filed in an undocketed matter, concerning information contained in negotiated contract with FB Energy LLC, and filed on behalf of <u>Progress Energy</u>. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, 99 TDF 90 TDF

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850 An Affirmative Action/Equal Opportunity Employer

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

PSC/CLK 019-C (Rev. 05/07)

Document2