

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: FPSC Audit Control No. 09-189-2-2  
regarding 2009 Hedging Activities for  
the 12-month period ending 07/31/09.

Docket No. 090001-EI

Dated: October 13, 2009

**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 Staff's audit work papers pertaining to the FPSC 12-month hedging audit ending July 31, 2009 (Control No. 09-189-2-2). In support of this Request, PEF states:

1. The Staff audit work papers at issue contain "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 an unredacted copy of the audit work papers for which PEF seeks confidential treatment. Composite Exhibit A is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted version, the information asserted to be confidential is highlighted by yellow marker.

(b) Composite Exhibit B is a package containing two copies of redacted

COM \_\_\_\_\_ versions of the documents for which the Company requests confidential classification. The

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specific 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 audit work papers contain information that relates to sensitive business information, such as internal hedging practices and procedures, hedging percentages, hedging gains/losses, hedging volumes and transactions, journal entries, hedging forecasts, hedging agreements, credit risk limits, pricing and forecasted burns, pricing information and certain information contained in the Risk Management Plans, the disclosure of which would impair the efforts of the Company or its affiliates to negotiate fuel supply contracts and fuel hedges on favorable terms. *See* § 366.093(3)(d), F.S.; Affidavit of Joseph McCallister at ¶ 5. Furthermore, the information at issue relates to the competitive interests of PEF and its fuel suppliers, the disclosure of which would impair their competitive businesses. *Id.* § 366.093(3)(e); Affidavit of Joseph McCallister at ¶ 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.

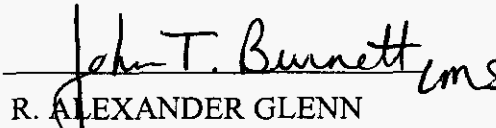
3. The information identified as Exhibit “A” is intended to be and is treated as confidential by the Company. *See* Affidavit of Joseph McCallister at ¶ 7. The information contained in the audit work papers have not been disclosed to the public, and the Company has

treated and continues to treat the information and contracts at issue as confidential. See Affidavit of Joseph McCallister at ¶ 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 13<sup>th</sup> day of October, 2009.

  
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# Public Service Commission

## ACKNOWLEDGEMENT

DATE: October 13, 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 090001 or, if filed in an undocketed matter, concerning certain information contained in staff's audit work papers pertaining to FPSC 12-month Hedging Audit ending 7/31/09 (Audit Control No. 09-189-2-2), and filed on behalf of Progress. 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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