

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Petition for approval of an amended negotiated purchase power contract with BG&E of Florida, LLC by Progress Energy Florida.

Docket No. 090537

Dated: December 11, 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 the amended negotiated contract ("the Amended Contract") between PEF and BG&E of Florida, LLC ("BG&E") filed on December 11, 2009. In support of this Request, PEF states:

1. The Amended 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.

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

5 of the documents for which the Company requests confidential classification. The specific

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

(c) Exhibit C is a justification 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 capacity factors, capacity pricing/percentages, insurance limit amounts, environmental terms, payment amounts/percentages, and financial calculations, 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 ¶ 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 ¶ 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.

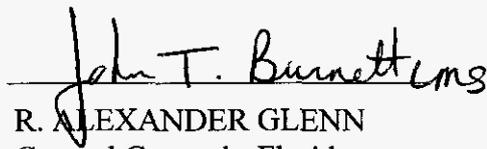
4. The information identified as Exhibit “A” is intended to be and is treated as confidential by the Company. *See* Affidavit of David Gammon at ¶ 7. The information has not been disclosed to the public, and the Company has treated and continues to treat the information and contracts at issue as confidential. *See* Affidavit of David Gammon at ¶ 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 11<sup>th</sup> day of December, 2009.

A handwritten signature in black ink that reads "John T. Burnett" with a stylized flourish at the end.

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General Counsel - Florida  
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Attorneys for  
PROGRESS ENERGY FLORIDA, INC.

## **Exhibit C**

### **PROGRESS ENERGY FLORIDA Confidentiality Justification Matrix**

<b>DOCUMENT/RESPONSES</b>	<b>PAGE/LINE</b>	<b>JUSTIFICATION</b>
<b>Exhibit A to Petition (BG&amp;E Amended Contract)</b>	Page 4: last sentence of Emission Reduction Credit definition;	§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.
	Page 9, Section 2.3.1: certain language in Conditions Precedent;	
	Page 13, Section 4.2(b) thru Page 14, Section 4.3: environmental terms;	§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.
	Page 16, Section 8.1: pricing per MW;	
	Page 16, Section 8.1.1: payment escalation rate;	
	Page 16, Section 8.1.2: payment adjustment percentages;	
	Page 19, Section 9.11: insurance limit amounts	
	Page 21, Section 9.13: terms, pricing and definitions;	
	Page 21, Section 10.1: collateral amount;	
Page 22, Section 10.1: performance security amount;		

	<p>Page 23, Section 11.2.2: capacity percentage;</p> <p>Page 24, Section 11.2.9: annual billing factor percentage;</p> <p>Page 25, Section 11.3: cost per day for delay damages;</p> <p>Page 25, Section 11.4: damage amounts;</p> <p>Page 26, Section 12.5.3: costs resulting from changes in law (s);</p> <p>Page 30, Section 15.2.1: out of pocket costs for termination by claiming party.</p>	
<p><b>Exhibit B</b> to Petition (Red-Line version of BG&amp;E contract)</p>	<p>Page 13, Section 4.2(b): environmental terms (duplicative to Exh. A);</p> <p>Page 16, Section 8.1: pricing per MW (duplicative to Exh. A);</p> <p>Page 16, Section 8.1.1: payment escalation rate (duplicative to Exh. A);</p> <p>Page 16, Section 8.1.2: payment adjustment percentages (duplicative to Exh. A);</p> <p>Page 21, Section 9.13: terms, pricing and definitions (duplicative to Exh. A);</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

	<p>Page 21, Section 10.1: collateral amount (duplicative to Exh. A);</p> <p>Page 22, Section 10.1: performance security amount (duplicative to Exh. A);</p>	
<p><b>Exhibit D</b> to Petition (Financial Summary of BG&amp;E Amended Contract)</p>	<p>Page 1 of 1: Lines 5-8, 14, 15, 17, 18, &amp; 20-23: cost calculations.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

STATE OF FLORIDA

COMMISSIONERS:  
MATTHEW M. CARTER II, CHAIRMAN  
LISA POLAK EDGAR  
NANCY ARGENZIANO  
NATHAN A. SKOP  
DAVID E. KLEMENT



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# Public Service Commission

## ACKNOWLEDGEMENT

DATE: December 11, 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 090537 or, if filed in an undocketed matter, concerning certain information contained in amended negotiated contract with BG&E of Florida, LLC, and filed on behalf of Pef. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.

DOCUMENT NUMBER: DAT  
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