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-M-E-M-O-R-A-N-D-U-M-

DATE: March 3, 2010
TO: Katherine Fleming, Office of the General Counsel
FROM: John Slemkewicz, Division of Economic Regulation JS
RE: Progress Energy Florida, Inc. (PEF) - Docket No. 090079-EI - Confidentiality Request - Document No. 10511-09

PEF has requested that Exhibit 265, "2009 Electric Utility Residential Customer Satisfaction Study" (on CD) conducted by J.D. Powers and Associates, be kept confidential.

PEF requests confidentiality under Subsection 366.093(3)(e), Florida Statutes (F.S.), which states:

(3) Proprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. Proprietary confidential business information includes, but is not limited to:

- (a) Trade secrets.
- (b) Internal auditing controls and reports of internal auditors.
- (c) Security measures, systems, or procedures.
- (d) Information 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.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

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In addition to its claim of confidentiality under Subsection 366.093(3)(e), F.S., PEF also stated that the information was obtained by PEF pursuant to a contractual confidentiality provision.

Staff has reviewed PEF's confidentiality request and Document No. 10511-09. With one exception, staff believes that the request does meet the criteria for confidentiality contained in Subsection 366.093(3)(e), F.S. The attached page is a publicly available portion of page 6 of 46 of the aforementioned study and can be found on the internet at the following address <http://businesscenter.jdpower.com/news/pressrelease.aspx?ID=2009127>.

Staff recommends that the request for confidentiality of Document No. 10511-09 be granted except for the attached publicly available portion of page 6 of 46.

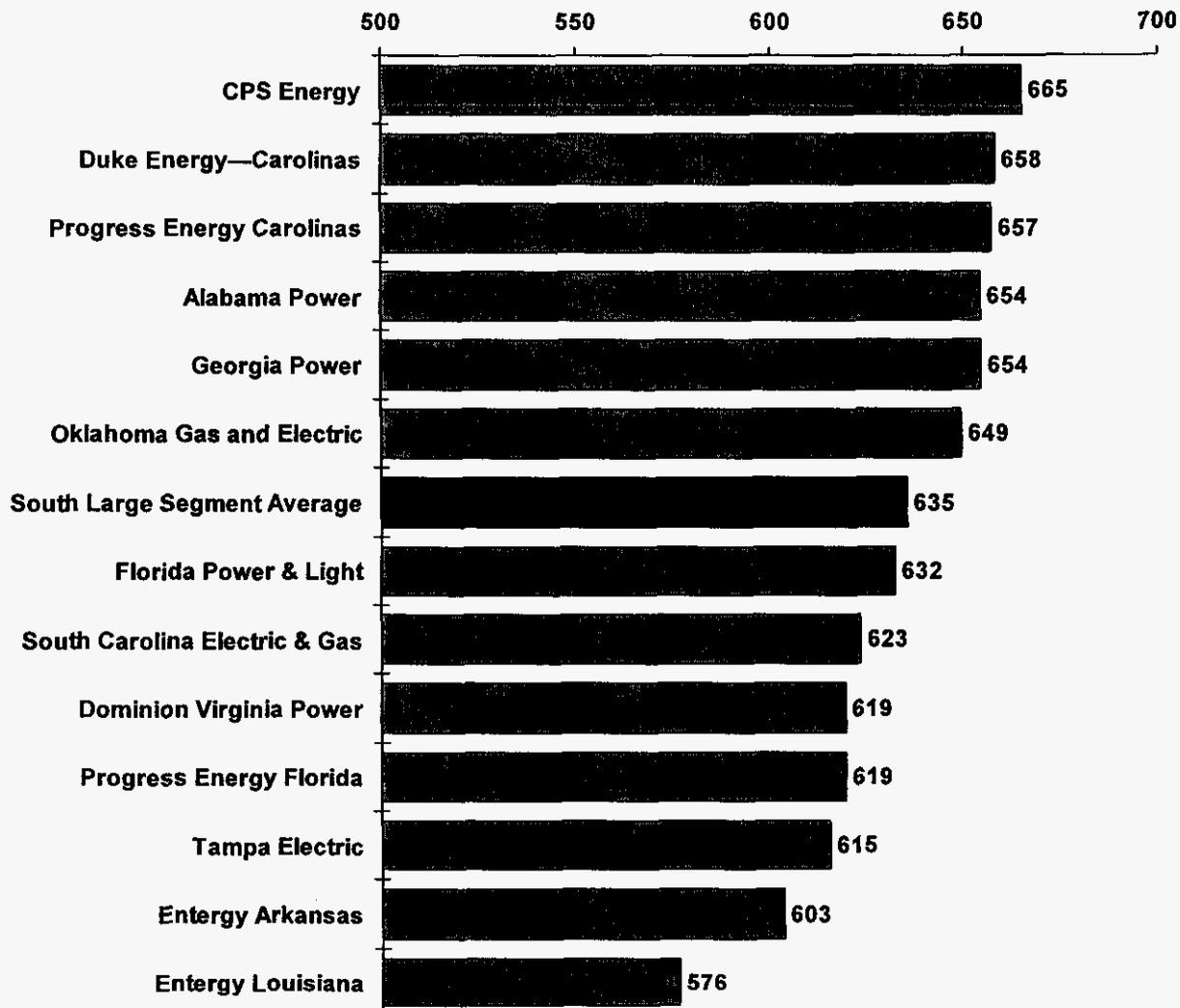
cc: Marshall Willis
Cheryl Bulecza-Banks
Karla Barnes
Shari Cornelius
Office of Commission Clerk

J.D. Power and Associates 2009 Electric Utility Residential Customer Satisfaction StudySM

Customer Satisfaction Index Ranking

South Region: Large Segment

(Based on a 1,000-point scale)



Source: J.D. Power and Associates 2009 Electric Utility Residential Customer Satisfaction StudySM

Charts and graphs extracted from this press release must be accompanied by a statement identifying J.D. Power and Associates as the publisher and the J.D. Power and Associates 2009 Electric Utility Residential Customer Satisfaction StudySM as the source. Rankings are based on numerical scores, and not necessarily on statistical significance. No advertising or other promotional use can be made of the information in this release or J.D. Power and Associates survey results without the express prior written consent of J.D. Power and Associates.