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May 7, 2010

Ms. Ann Cole, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

RE: Petition for Approval of Proposed DSM Plan of PEF; Docket No. 100160-EG

Dear Ms. Cole:

Enclosed for filing in the above referenced docket on behalf of Progress Energy Florida, Inc. ("PEF") are the original and fifteen (7) copies of the following:

- PEF's Request for Confidential Classification for PEF's Responses to FIPUG's First Request for Production of Documents
- The confidential information is attached in a sealed envelope.

If you have any questions concerning this filing, please feel free to contact me at (727) 820-5184.

Thank you for your assistance in this matter.

Sincerely,

John T. Burnett

COM _____ JTB/at
 APA _____ Enclosures
 ECR _____
 GCL 1 cc: Certificate of Service
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03887 MAY-7 2010
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of
Proposed Demand-side Management Plan
of Progress Energy Florida, Inc.

DOCKET NO. 100160-EI

SERVED: May 7, 2010

**PROGRESS ENERGY FLORIDA'S FIRST REQUEST
FOR CONFIDENTIAL CLASSIFICATION**

Progress Energy Florida ("PEF" or the "Company"), pursuant to Section 366.093, Fla. Stats., and Rule 25-22.006, Florida Administrative Code, files this First Request for Confidential Classification for confidential portions of PEF's responses to FIPUG's First Request for Production (Nos. 1-10).

Specifically, portions of the documents responsive to FIPUG's Request No. 10 contain sensitive business information such as budgets, projected earnings, projected costs, and proprietary third party information, disclosure of which would adversely impact PEF's competitive business interests. Accordingly, PEF hereby submits the following.

Basis for Confidential Classification

Subsection 366.093(1), Florida Statutes, 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 [the Public Records Act]." §366.093(1), Fla. Stats. Proprietary confidential business information means information that is (i) intended to be and is treated as private confidential information by the Company, (ii) because disclosure of the information would cause harm, (iii) either to the Company's ratepayers or the Company's business

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operation, and (iv) the information has not been voluntarily disclosed to the public. §366.093(3), Fla. Stats. Specifically, “information relating to competitive interests” is defined as proprietary confidential business information if the disclosure of such information “would impair the competitive business of the provider of the information.” §366.093(3)(e), Fla. Stats.

The aforementioned portions of PEF’s responses to FIPUG’s First Request for Production should be afforded confidential classification because these portions contain proprietary confidential business information. Public disclosure of the information in question would impair PEF’s competitive business interests.

FIPUG’s First Request for Production Nos. 8c and 8d

Portions of PEF’s response to FIPUG’s Request No. 8c and 8d should be afforded confidential treatment for the reasons set forth in the Affidavit of Bruce Barkley filed in support of PEF’s First Request for Confidential Classification and for the following reasons. Portions of the documents responsive to Request No. 8c and 8d contain sensitive business information related to competitively negotiated contractual data, such as pricing and quantities of coal and gas, the disclosure of which would impair the efforts of the Company or its affiliates to negotiate coal and gas supply contracts on favorable terms. See § 366.093(3)(d), F.S.; Affidavit of Bruce Barkley at ¶ 5. The information at issue also relates to confidential competitively negotiated transportation contracts, the disclosure of which would impair the efforts of the Company or its affiliates to negotiate transportation contracts on favorable terms. See § 366.093(3)(d), F.S.; Affidavit of Bruce Barkley at ¶ 5. Furthermore, the information at issue relates to the competitive interests of PEF and its coal and gas suppliers and transportation providers, the disclosure of

which would impair their competitive businesses. See § 366.093(3)(e); Affidavit of Bruce Barkley at ¶ 5. 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.

Strict procedures are established and followed to maintain the confidentiality of the terms of the confidential documents and information at issue, including restricting access to those persons who need the information and documents to assist the Company. See Affidavit of Bruce Barkley at ¶ 6. At no time has the Company publicly disclosed the confidential information or documents at issue. Id. The Company has treated and continues to treat the information and documents at issue as confidential. Id.

FIPUG’s First Request for Production No. 10

Portions of PEF’s response to FIPUG’s Request No. 10 should be afforded confidential treatment for the reasons set forth in the Affidavit of Marcia J. Olivier filed in support of PEF’s First Request for Confidential Classification and for the following reasons. Portions of the documents responsive to Request No. 10 contain sensitive business information such as PEF’s cost analysis and studies conducted regarding the projected rate impacts of PEF’s DSM Plan, budgets, projected earnings, and projected costs, the disclosure of which would adversely impact PEF’s competitive business interests. See Affidavit of Marcia J. Olivier at ¶ 5. For example, if PEF’s suppliers or providers were made aware of such budgets, projected earnings, or projected costs, they may adjust their behavior in the market place with respect to activity such as pricing and the provision of goods, materials, and services. Id.

Strict procedures are established and followed to maintain the confidentiality of the terms of the confidential documents and information at issue, including restricting access to those persons who need the information and documents to assist the Company. See Affidavit of Marcia J. Olivier at ¶ 6. At no time has the Company publicly disclosed the confidential information or documents at issue. Id. The Company has treated and continues to treat the information and documents at issue as confidential. Id.

Conclusion

Certain portions of PEF's responses to FIPUG's First Request for Production fit the statutory definition of proprietary confidential business information under Section 366.093 and Rule 25-22.006, Florida Administrative Code, and that information should be afforded confidential classification. In support of this motion, PEF has enclosed the following:

(1). A separate, sealed envelope containing one copy of the confidential Appendix A to PEF's Request for Confidential Classification for which PEF intends to request confidential classification with the appropriate section, pages, or lines containing the confidential information highlighted. **This information should be accorded confidential treatment pending a decision on PEF's request by the Florida Public Service Commission;**

(2). Two copies of the confidential responses with the information for which PEF intends to request confidential classification redacted by section, page, or lines where appropriate as Appendix B; and

(3). A justification matrix supporting PEF's request for confidential classification of the highlighted information contained in confidential Appendix A, as Appendix C.

WHEREFORE, PEF respectfully requests that certain portions of PEF's responses to FIPUG's First Request for Production, Request Nos. 8c, 8d, and 10, described specifically in Attachment C, be classified as confidential for the reasons set forth above.

Respectfully submitted this 7th day of May, 2010.



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APPENDIX C

DOCUMENTS	PAGE/LINE	JUSTIFICATION
<p>PEF's Response to FIPUG's 1st Request for Production, question No. 8c</p>	<p>Bates Nos. PEF-DSM-0000097: columns D through E, lines 9-71;</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>PEF's Response to FIPUG's 1st Request for Production, question No. 8d</p>	<p>Bates Nos. PEF-DSM-0000098: columns C, H and I, lines 7-63;</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>

<u>DOCUMENTS</u>	<u>PAGE/LINE</u>	<u>JUSTIFICATION</u>
PEF's Response to FIPUG's 1 st Request for Production, question No. 10	<p>Bates Nos. PEF-DSM-0000103: columns D through N, lines 8-11, 15-19, 22-24, & 41-45;</p> <p>PEF-DSM-0000104: columns D through N, lines 8-11, 15-19, 22-24, & 41-45;</p> <p>PEF-DSM-0000105: columns AR through BA, lines 13, 17-20, 23, 27-30, 34-37, 41-44, 49-52, 55, 57;</p> <p>PEF-DSM-0000106: columns AR through BA, lines 13, 17-20, 23, 27-30, 34-37, 41-44, 49-52, 55, 57;</p> <p>PEF-DSM-0000111: columns C through K, lines 6, 8, 12, 14, 18, 20, 24, 26, 30 & 32..</p>	<p>§366.093(3)(e), Fla. Stat.</p> <p>The information in question relates to PEF's competitive interests, the disclosure of which would impair PEF's competitive business interests.</p>