

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental cost recovery clause.

DOCKET NO. 100007-EI
ORDER NO. PSC-10-0660-CFO-EI
ISSUED: November 1, 2010

ORDER GRANTING PROGRESS ENERGY FLORIDA'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 08152-10)

On September 29, 2010, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Progress Energy Florida, Inc. (PEF) filed a request for confidential classification of certain information provided in its response to Staff's Ninth Set of Interrogatories (Nos. 36-45) and Staff's Eight Request for Production of documents (Nos. 20-23) (Responses) filed in this docket (Document No. 08152-10).

Request for Confidential Classification

Section 366.093(1), F.S., 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 Section 119.07(1) [the Public Records Act]." Section 366.093(3), F.S., defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Subparagraph (d) of Section 366.093(3), F.S., provides that proprietary confidential business information includes, but is not limited to "[i]nformation 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" and "security measures, systems, or procedures." In addition, subparagraph (e) of Section 366.093(3), F.S., provides that "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information" is proprietary confidential information.

PEF contends that portions of the information contained in its Responses fall within these definitions and thus constitute proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. Specifically, PEF alleges that its Responses contain: A) security measures, systems, and procedures relating to the vehicle barrier system (VBS) at its Crystal River access control points; and B) contractual data and sensitive proprietary information related to PEF's cost for installation of the VBS system. If this information were disclosed, it would impair PEF's ability to contract competitively for goods and services. PEF states that this information is intended to be and is treated by PEF as private and has not been publicly disclosed.

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FPSC-COMMISSION CLERK

Ruling

Upon review, I find that the above-referenced information contains security measures relating to PEF's VBS at its Crystal River access control points, and contractual and sensitive proprietary information relating to the installation cost of the VBS system. This information satisfies the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information and, thus, shall be treated as confidential.

PEF's Responses constitute security measures, systems, and procedures; bids and contractual data; and information relating to competitive interest. The disclosure of PEF's information would impair its ability to contract competitively. Thus, the information identified in Document No. 08152-10, as more specifically described in PEF's Exhibit A attached, shall be granted confidential classification.

The information in Document No. 08152-10 for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless PEF or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

Based on the foregoing, it is

ORDERED by Commissioner Nathan A. Skop, as Prehearing Officer, that Progress Energy Florida, Inc.'s request for confidentiality for its response to Staff's Ninth Set of Interrogatories (Nos. 36-45) and Staff's Eight Request for Production of documents (Nos. 20-23) is granted. It is further

ORDERED that the information in Document No. 08152-10 for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless Progress Energy Florida, Inc. or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Nathan A. Skop, as Prehearing Officer, this 1st day of
November, 2010.



NATHAN A. SKOP

Commissioner and Prehearing Officer

(S E A L)

MCB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

EXHIBIT "A"
JUSTIFICATION FOR CONFIDENTIAL CLASSIFICATION

Document	Bates No(s).	Line	Column	Description	Statutory Justification
Response to Staff Interrogatory No. 43(b)	N/A	1-2	N/A	Information regarding security system (design information) and cost of VBS	§366.093(3)(c) and (d), F.S.
Crystal River Security Access, Gate 10 ACP VSA Report – 4/12-14/2010	PEF-POD23-004	1	N/A	Information regarding security system (operational information)	§366.093(3)(c), F.S.
	PEF-POD23-005	1	N/A	Information regarding security system (operational information)	§366.093(3)(c), F.S.
		2	N/A	Information regarding security system (traffic flow through security system)	§366.093(3)(c), F.S.
	PEF-POD23-008	All	N/A	Information regarding security system (traffic flow around security system)	§366.093(3)(c), F.S.
	PEF-POD23-009	1-2	N/A	Cost information for VBS	§366.093(3)(d), F.S.
	PEF-POD23-011	1-4	N/A	Information regarding security system and measures (operational information)	§366.093(3)(c), F.S.
	PEF-POD23-012	1	N/A	Information regarding security system (operational information)	§366.093(3)(c), F.S.
	PEF-POD23-013	1	A	Cost information for VBS	§366.093(3)(d), F.S.
		2-9	A	Information regarding security system (design information)	§366.093(3)(c), F.S.
	PEF-POD23-014	1-2	A	Information regarding security system (design information)	§366.093(3)(c), F.S.
		1	A	Cost information for VBS	§366.093(3)(d), F.S.
	PEF-POD23-015	2-6	A	Information regarding security system (design information)	§366.093(3)(c), F.S.
		1-2	N/A	Information regarding security system (design and operational information)	§366.093(3)(c), F.S.
	PEF-POD23-017	1	N/A	Information regarding security system (operational information)	§366.093(3)(c), F.S.
	PEF-POD23-021	1	A	Cost information for VBS	§366.093(3)(d), F.S.
		2	A	Information regarding security system (design information)	§366.093(3)(c), F.S.
		2	B	Cost information for VBS	§366.093(3)(d), F.S.
		3-10	All	Information regarding security system (design information)	§366.093(3)(c), F.S.
	PEF-POD23-023	1	A	Cost information for VBS	§366.093(3)(d), F.S.
		2-9	All	Information regarding security system (design information)	§366.093(3)(c), F.S.
	PEF-POD23-024	1	A	Cost information for VBS	§366.093(3)(d), F.S.
		2-4	All	Information regarding security system (design information)	§366.093(3)(c), F.S.