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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In Re: Examination of the Outage and Replacement Fuel/Power Costs Associated with the CR3 Steam Generator Replacement Project by Progress Energy Florida, Inc.

Docket No. 100437-EI

COMMISSION CLERK

Filed: August 25, 2011

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 Staff's First Request for Production (Nos. 1-4).

Specifically, portions of the documents responsive to Staff's Request No. 4 contain sensitive business information such as projected costs and cash flows, the disclosure of which would adversely impact PEF's competitive business interests.

Accordingly, PEF hereby submits the following.

- claim of confidentiality
notice of intent
[X] request for confidentiality
filed by OPC

For DN 00174-11, which is in locked storage. You must be authorized to view this DN.-CLK

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 Staff’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.

Staff’s First Request for Production No. 4

Portions of PEF’s response to Staff’s Request No. 4 should be afforded confidential treatment for the reasons set forth in the Affidavit of Alexander “Sasha” Weintraub filed in support of PEF’s First Request for Confidential Classification and for the following reasons. Portions of the documents responsive to Request No. 4 contain proprietary confidential business information provided to the Company’s Board of Directors related to PEF’s Crystal River Unit 3 nuclear outage, such as confidential cost analysis; projected financial impacts related to repair costs; projected and estimated replacement power costs; and projected and estimated insurance reimbursements, the disclosure of which would adversely impact PEF’s competitive business interests by disclosing sensitive business information. See § 366.093(3)(e), F.S.; Affidavit of Sasha Weintraub at ¶ 5. For example, if PEF’s competitors and counterparties were made aware of such information, they may adjust their behavior in relevant markets and venues. Id. 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 Sasha Weintraub 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 Staff’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 Staff's First Request for Production, Request No. 4, described specifically in Attachment C, be classified as confidential for the reasons set forth above.


Respectfully submitted this 25th day of August, 2011.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification has been furnished via U.S. Mail this 7th day of August, 2011 to all parties of record as indicated below.



Attorney

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