

# Hopping Green & Sams

Attorneys and Counselors

Writer's Direct Dial No.  
(850) 425-2359

May 30, 2012

## BY HAND DELIVERY

Ann Cole  
Director Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

claim of confidentiality  
 notice of intent  
 request for confidentiality  
 filed by OPC

For DN 03465-12, which  
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12 MAY 30 PM 4:40  
COMMISSION  
CLERK

Re: Docket No. 120103-EI – Request for Confidential Classification

Dear Ms. Cole:

Enclosed for filing on behalf of Progress Energy Florida (PEF) are the following:

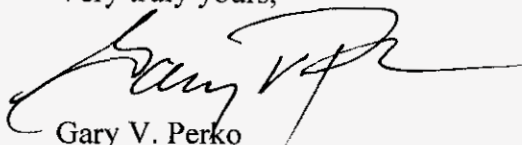
(1) The original and seven copies of its Request for Confidential Classification, including Exhibit A, which identifies by page and line the information for which PEF seeks confidential treatment.

(2) An envelope containing Exhibit B, which includes two redacted copies of the confidential documents; and

(3) A CONFIDENTIAL envelope containing Exhibit C which includes one copy of the documents on which the confidential material has been highlighted.

Please stamp and return the enclosed extra copy of this filing. If you have any questions regarding this filing, please contact the undersigned.

Very truly yours,



Gary V. Perko

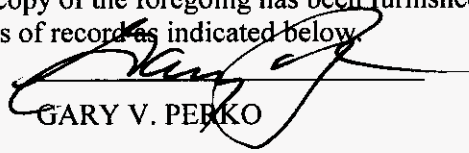
COM \_\_\_\_\_  
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03464 MAY 30 2012

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via hand-delivery this 31<sup>st</sup> day of May, 2012 to all parties of record as indicated below.

  
GARY V. PERKO

<p>Charles Murphy, Esq. Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 <a href="mailto:cmurphy@psc.state.fl.us">cmurphy@psc.state.fl.us</a></p>	
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BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition of Progress Energy Florida, Inc. to modify scope of existing environmental program. DOCKET NO. 120103-EI  
FILED: MAY 30, 2012

**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, submits this Request for Confidential Classification of information included in documents being provided in response to Staff's First Request for Production of Documents (Nos.1-4) and in its response to Staff's First Set of Interrogatories (Nos. 1-8). In support of this request, PEF states:

1. Contemporaneously with this request, PEF is serving its responses to Staff's First Request for Production of Documents (Nos. 1-4) and Staff's First Set of Interrogatories (Nos. 1-8) which, for the reasons discussed below, includes the following proprietary confidential business information:

(a) Staff's First Request for Production of Documents (Nos. 1-4) and First Set of Interrogatories (Nos. 1-8) request PEF to provide documents and information related to PEF's analysis of the conversion of Anclote Units 1 and 2 to 100% natural gas firing for MATS compliance purposes. In its response to Interrogatory No.3 and in the documents being produced in response to Document Requests Nos. 1 and 2, PEF is providing information related to the terms of a negotiated Construction Operation, Maintenance, Ownership and Reimbursement Agreement with a natural gas transportation supplier. Disclosure of this contractual data would provide potential natural suppliers with knowledge of contractual terms to which PEF has agreed. This knowledge would give suppliers significant competitive advantage in future

negotiations because they would no longer need to make their best offers to ensure the competitiveness of their proposed contractual terms. As such, disclosure of this information could impair the efforts of PEF to contract for goods or services on favorable terms. See § 366.093(3)(d), F.S. Furthermore, the information at issue relates to the competitive interests of PEF and its natural gas transportation supplier, the disclosure of which would impair their competitive businesses. *Id.* § 366.093(3)(e). 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.

(b) The interrogatory response and documents discussed above also contain competitive, sensitive, and proprietary information related to PEF’s expected costs and contractual terms associated with the Anclote Conversion Project, as well as PEF’s assessment of cost risk for the project. If such information is disclosed to potential contractors, PEF’s efforts to obtain options that provide economic value to both PEF and its ratepayers could be compromised by potential contractors changing their negotiating behavior when PEF seeks to negotiate construction contracts in the future. Accordingly, such information qualifies for confidential classification pursuant to Section 366.093(d), Florida Statutes, which defines “proprietary confidential business information to include “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.”

(c) In response to Staff Document Request Nos. 1 and 3, PEF also is providing reports and supporting data prepared by a third party contractor as part of its engineering evaluation of the Anclote Conversion Contract. PEF’s contract with the third party contractor requires the Company to maintain the confidentiality of this information. PEF regularly negotiates with engineering companies to evaluate projects at its facilities. In order to obtain

such contracts, PEF must be able to assure such companies that sensitive business information will be kept confidential. Absent such measures, the companies would run the risk that sensitive business information that they provided to PEF would be made available to the public and, as a result, end up in possession of potential competitors. Faced with that risk, persons or companies who otherwise would contract with PEF might decide not to do so if PEF did not keep such information confidential. Accordingly, the redacted information constitutes confidential 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." § 366.093(3)(d), F.S. Additionally, the disclosure of confidential information discussed above could adversely impact the competitive business interests of PEF's contractor. See § 366.093(3)(e), F.S. For these reasons, this information constitutes "proprietary confidential business information" which is exempt from the public records act pursuant to § 366.093(1), F.S.

2. The following exhibits are included with this request:

(a) Exhibit A is a table which identifies the information for which PEF seeks confidential classification and the specific statutory bases for seeking confidential treatment;

(b) Exhibit B is a package containing two copies of redacted versions of the documents for which the Company requests confidential classification. In the redacted version of the documents, the confidential information has been blackened out by opaque marker or other means.

(c) Exhibit C is a package containing unredacted copies of the documents for which PEF seeks confidential treatment. Exhibit C is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted versions of the documents, the confidential information has been highlighted in yellow.

3. The information in Exhibit C is intended to be and is treated as confidential by PEF. The information has not been disclosed to the public.

4. Progress Energy requests that the information in Exhibit C 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, Progress Energy Florida, Inc., respectfully requests that this Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 30<sup>th</sup> day of May, 2012.

HOPPING GREEN & SAMS, P.A.



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Attorneys for PROGRESS ENERGY FLORIDA

**EXHIBIT "A"**

**JUSTIFICATION FOR CONFIDENTIAL CLASSIFICATION**

<b>Document</b>	<b>Bates No(s).</b>	<b>Lines</b>	<b>Columns</b>	<b>Description</b>	<b>Statutory Justification</b>
Estimate Review Summary Form – Anclothe Boiler Gas Conversion (Item #3 in PEF’s response to Staff Document Request No.1)	PEF-120103-EI-00040	1-3	N/A	Information regarding terms of negotiated Construction Operation, Maintenance, Ownership and Reimbursement Agreement with natural gas transportation supplier	§366.093(3)(d) and(e), F.S.
	PEF-120103-EI-00043	1-2	N/A	Information regarding terms of negotiated Construction Operation, Maintenance, Ownership and Reimbursement Agreement with natural gas transportation supplier	§366.093(3)(d) and (e), F.S.
Estimate Review Summary Form – Anclothe Boiler Gas Conversion (Item #15 in PEF’s response to Staff Document Request No.1)	PEF-120103-EI-00392	1-3	N/A	Information regarding terms of negotiated Construction Operation, Maintenance, Ownership and Reimbursement Agreement with natural gas transportation supplier	§366.093(3)(d) and(e), F.S.
	PEF-120103-EI-00395	1-2	N/A	Information regarding terms of negotiated Construction Operation, Maintenance, Ownership and Reimbursement Agreement with natural gas transportation supplier	§366.093(3)(d) and (e), F.S.

Document	Bates No(s).	Lines	Columns	Description	Statutory Justification
Anclote Conversion Project Integrated Project Plan (Rev 0 2011) (Item No.5 in PEF's Response to Staff's Document Request No. 1)	PEF-120103-EI-00051	1-5	N/A	Information regarding terms of negotiated Construction Operation, Maintenance, Ownership and Reimbursement Agreement with natural gas transportation supplier	§366.093(3)(d) and(e), F.S.
	PEF-120103-EI-00054	1, 2, 4, 5	N/A	Information regarding estimated construction costs for Anclote Conversion Project	§366.093(3)(d), F.S.
		3	N/A	Information regarding terms of negotiated Construction Operation, Maintenance, Ownership and Reimbursement Agreement with natural gas transportation supplier	§366.093(3)(d) and (e), F.S.
		6	N/A	Information regarding PEF's assessment of cost risk associated with Anclote Conversion Project	§366.093(3)(d), F.S.
	PEF-120103-EI-00057	1-16	N/A	Information regarding PEF's assessment of cost risk associated with Anclote Conversion Project	§366.093(3)(d), F.S.
	PEF-120103-EI-00061	1-9	N/A	Information regarding PEF's assessment of cost risk associated with Anclote Conversion Project	§366.093(3)(d), F.S.
	PEF-120103-EI-00065	1-9	N/A	Information regarding potential contractual terms for construction activities	§366.093(3)(c), F.S.
	PEF-120103-EI-00065	10-14	A	Information regarding terms of negotiated Construction Operation, Maintenance, Ownership and Reimbursement Agreement with natural gas transportation supplier	§366.093(3)(d) and (e), F.S.
PEF-120103-EI-00066	1-2	A	Information regarding terms of negotiated Construction Operation, Maintenance, Ownership and Reimbursement Agreement with natural gas transportation supplier	§366.093(3)(d) and (e), F.S.	



Document	Bates No(s).	Lines	Columns	Description	Statutory Justification
Anclote Conversion Project Integrated Project Plan (Rev 1_03_2012) (Item #6 in PEF's response to Staff Document Request No.1)	PEF-120103-EI-00077	1-5	N/A	Information regarding terms of negotiated Construction Operation, Maintenance, Ownership and Reimbursement Agreement with natural gas transportation supplier	§366.093(3)(d) and(e), F.S.
	PEF-120103-EI-00079	1, 2, 4, 5, and 8	N/A	Information regarding estimated construction costs for Anclote Conversion Project	§366.093(3)(d), F.S.
		3	N/A	Information regarding terms of negotiated Construction Operation, Maintenance, Ownership and Reimbursement Agreement with natural gas transportation supplier	§366.093(3)(d) and (e), F.S.
		6, 7, and 9	N/A	Information regarding PEF's assessment of cost risk associated with Anclote Conversion Project	§366.093(3)(d), F.S.
	PEF-120103-EI-00081	1-16	N/A	Information regarding PEF's assessment of cost risk associated with Anclote Conversion Project	§366.093(3)(d), F.S.
	PEF-120103-EI-00083	1-12	N/A	Information regarding PEF's assessment of cost risk associated with Anclote Conversion Project	§366.093(3)(d), F.S.
	PEF-120103-EI-00089	1-10	N/A	Information regarding potential contractual terms for construction activities	§366.093(3)(c), F.S.
	PEF-120103-EI-00089	11-17	A	Information regarding terms of negotiated Construction Operation, Maintenance, Ownership and Reimbursement Agreement with natural gas transportation supplier	§366.093(3)(d) and (e), F.S.

<b>Document</b>	<b>Bates No(s).</b>	<b>Lines</b>	<b>Columns</b>	<b>Description</b>	<b>Statutory Justification</b>
Alstom Gas Conversion Project Phase 1 Final Revised Confidential Report (Item #12 in PEF's response to Staff Document Request No.1)	PEF-120103-EI-00224 – PEF-120103-EI-00289	All	N/A	Report prepared by third party under contract requiring PEF to maintain confidentiality	§366.093(3)(d) and(e), F.S.
Alstom Engineering Evaluation re Anclote Unit 2 (Item #13 in PEF's response to Staff Document Request No.1)	PEF-120103-EI-00290 – PEF-120103-EI-00321	All	N/A	Report prepared by third party under contract requiring PEF to maintain confidentiality	§366.093(3)(d) and(e), F.S.
Alstom Unit 2 Report – Supporting data (Item #14 in PEF's response to Staff Document Request No.1)	PEF-120103-EI-00322 – PEF-120103-EI-00389	All	N/A	Report prepared by third party under contract requiring PEF to maintain confidentiality	§366.093(3)(d) and(e), F.S.