

Ruth Nettles

090079-EI

From: O'Neal, Barbara [boneal@carltonfields.com]
Sent: Thursday, September 03, 2009 10:44 AM
To: Filings@psc.state.fl.us
Cc: alex.glenn@pgnmail.com; audrey.VanDyke@navy.mil; Bernier, Matthew R.; Bill.mccollum@myfloridalegal.com; Caroline Klancke; cecilia.bradley@myfloridalegal.com; Charles Rehwinkel; Costello, Jeanne; ataylor@bbrslaw.com; jbrew@bbrslaw.com; JtSelecky@consultbai.com; John.Burnett@pgnmail.com; jlavie@yvlaw.net; JMoyle@kagmlaw.com; Katherine Fleming; Keino Young; Khojasteh.Davoodi@navy.mil; larry.r.allen@navy.mil; paul.lewisjr@pgnmail.com; Rick@rmelsonlaw.com; swright@yvlaw.net; Triplett, Dianne; VKaufman@kagmlaw.com; Walls, J. Michael
Subject: Electronic Filing Docket No. 090079
Attachments: Peter Toomey Verified Affidavit & Notice.pdf

Matthew R. Bernier, Carlton Fields, P.A., 215 South Monroe Street, Ste. 500, Tallahassee, FL 32301, mbernier@carltonfields.com is the person responsible for this electronic filing;

The filing is to be made in Docket 090079-EI, In re: Petition for rate increase in rates by Progress Energy Florida, Inc.;

The attached document is Peter Toomey Verified Affidavit in Support of PEF's Ninth Request for Confidential Classification and Notice of Filing Affidavit.

Thank you.

CARLTON FIELDS
ATTORNEYS AT LAW

Barbara O'Neal

Legal Administrative Assistant

215 S. Monroe Street, Suite 500
Tallahassee, Florida 32301-1866

direct 850.425.3388
fax 850.222.0398
boneal@carltonfields.com
www.carltonfields.com

DOCUMENT NUMBER-DATE

09179 SEP-3 8

FPSC-COMMISSION CLERK

9/3/2009

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE:
PETITION FOR INCREASE IN RATES
BY PROGRESS ENERGY FLORIDA, INC.

Docket No. 090079-EI
Submitted for filing: September 3, 2009


**NOTICE OF FILING VERIFIED AFFIDAVIT OF PETER TOOMEY IN SUPPORT
OF PEF'S NINTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Notice is hereby given, through the undersigned counsel, on behalf of Progress Energy Florida, Inc. of filing the verified Affidavit of PETER TOOMEY in support of Progress Energy Florida's Ninth Request for Confidential Classification.

Respectfully submitted,

R. ALEXANDER GLENN
alex.glenn@pgnmail.com
JOHN T. BURNETT
john.burnett@pgnmail.com
Progress Energy Service Company, LLC
299 First Avenue North
P.O. Box 14042 (33733)
St. Petersburg, Florida 33701
(727) 820-5184
(727) 820-5249(fax)

PAUL LEWIS, JR.
Paul.lewisjr@pgnmail.com
Progress Energy Service Company, LLC
106 East College Avenue, Suite 800
Tallahassee, Florida 32301
(850) 222-8738 / (850) 222-9768 (fax)


JAMES MICHAEL WALLS
mwalls@carltonfields.com
Florida Bar No. 0706242
DIANNE M. TRIPLETT
dtriplett@carltonfields.com
Florida Bar No. 0872431
MATTHEW BERNIER
mbernier@carltonfields.com
Florida Bar No. 0059886
Carlton Fields
4221 W. Boy Scout Boulevard
P.O. Box 3239
Tampa, Florida 33607-5736
(813) 223-7000 / (813) 229-4133 (fax)

RICHARD MELSON
rick@rmelsonlaw.com
Florida Bar No. 0201243
705 Piedmont Drive
Tallahassee, FL 32312
(850) 894-1351

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via electronic and U.S. Mail to the following counsel of record as indicated below on this 3rd day of September, 2009.



ATTORNEY

KATHERINE FLEMING
Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, FL 32399

J.R. KELLY/CHARLES REHWINKLE
Office of the Public Counsel
c/o The Florida Legislature
111 W. Madison Street – Room 812
Tallahassee, FL 32399-1400

BILL MCCOLLUM/CECILIA BRADLEY
Office of the Attorney General
The Capitol – PL01
Tallahassee, FL 32399-1050

VICKI G. KAUFMAN/JON C. MOYLE, JR.
Keefe Law Firm, The Perkins House
118 North Gadsden Street
Tallahassee, FL 32301

JAMES W. BREW/ALVIN TAYLOR
Brickfield Law Firm
1025 Thomas Jefferson Street, NW, 8th Fl
Washington, D.C. 20007

R. SCHEFFEL WRIGHT / JOHN T. LAVIA
Young Law Firm
225 South Adams Street, Ste. 200
Tallahassee, FL 32301

KAY DAVOODI
Director, Utility Rates and Studies Office
Naval Facilities Engineering Command
1322 Patterson Avenue SE
Washington Navy Yard, DC 20374-5065

AUDREY VAN DYKE
Litigation Headquarters
Naval Facilities Engineering Command
720 Kennon Street, S.E. Bldg 36, Room 136
Washington Navy Yard, DC 20374-5065

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by
Progress Energy Florida, Inc.

Docket No. 090079-EI
Filed: August 31, 2009

**AFFIDAVIT OF PETER TOOMEY IN SUPPORT OF PROGRESS ENERGY
FLORIDA'S NINTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA
COUNTY OF PINELLAS

BEFORE ME, the undersigned authority duly authorized to administer oaths, personally appeared Peter Toomey, who being first duly sworn, on oath deposes and says that:

1. My name is Peter Toomey. I am over the age of 18 years old and I have been authorized by Progress Energy Florida (hereinafter "PEF" or the "Company") to give this affidavit in the above-styled proceeding on PEF's behalf and in support of PEF's Ninth Request for Confidential Classification ("the Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the Vice President of Finance of Progress Energy Florida, Inc. As the Vice President of Finance, I am responsible for strategic planning, financial planning and forecasting, business planning, budgeting, cost management, management accounting, and key performance management.

3. In its Ninth Request for Confidential Classification, PEF is seeking confidential classification for certain information contained in its responses to Staff's Fifteenth Request for Production of Documents (Nos. 98-99). An unredacted version of the information at issue is contained in confidential Appendix A to PEF's Request and the confidential portions thereof are outlined in PEF's Justification Matrix attached to the Request as Appendix C. PEF is requesting

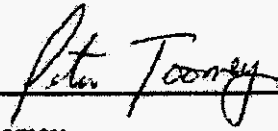
confidential classification of portions of these documents because they contain proprietary confidential business information obtained and used by PEF pursuant to contractual confidentiality agreements.

4. The information in the documents being produced in response to Staff's requests contain confidential information that was received from third-party vendors, subject to confidentiality agreements. PEF's disclosure of this information would impair the Company's ability to contract for the use of similar information in the future. If vendors did not believe that PEF was able to protect their proprietary information, they would be less likely to contract with PEF for its use, or possibly would only enter into similar agreements at a premium price. This would have a detrimental impact on the Company, and ultimately its ratepayers. PEF is required to maintain this contractual information as confidential pursuant to the terms of the contracts with its third party vendor.

5. With respect to the confidential information at issue, strict procedures are established and followed to maintain the confidentiality of that information; such procedures include, but are not limited to, restricting access to the information to only those persons who require it to assist the Company. PEF has treated and continues to treat the information contained in these documents as confidential

6. This concludes my affidavit.

Dated this 31st day of August, 2009.



(Signature)
Peter Toomey
Vice President of Finance of Progress Energy Florida, Inc.

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 31st day of August, 2009 by Peter Toomey. He is personally known to me or has produced his _____ driver's license, or his _____ as identification.

Anne M. Pastick
(Signature)

ANNE M. PASTICK
(Printed Name)

NOTARY PUBLIC, STATE OF FLORIDA

4-12-2010
(Commission Expiration Date)

DD 677153
(Serial Number, If Any)

(AFFIX NOTARIAL SEAL)

