

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Environmental Cost Recovery Clause.

DOCKET NO. 090007-EI

FILED: OCTOBER 1, 2009

**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 exhibits to the Petition filed by the Company in this docket. In support of this request, PEF states:

1. In response to Request Nos. 13 and 15 of Staff's Fourth Request for Production of Documents to Progress Energy in the above-styled docket, PEF is providing staff with three contracts related the design, construction, operation and/or components of various environmental projects. Such contracts include "proprietary confidential business information" within the meaning of Section 366.093(3), F.S. Specifically, the information includes contractual data, such as pricing and other contractual terms, negotiated between the parties. If the information for which PEF seeks confidential classification 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 similar contracts in the future. Likewise, in order to secure contracts, PEF must be able to assure such companies that

COM _____
ECR 5 sensitive business information, such as the terms of their contracts, will be kept confidential. Absent
GCL 1 such measures, the companies would run the risk that sensitive business information that they
OPC _____
RCP _____ provided in their contracts with PEF would be made available to the public and, as a result, end up in
SSC _____
SGA _____ possession of potential competitors. Faced with that risk, persons or companies who otherwise would
ADM _____
CLK 1

contract with PEF might decide not to do so if PEF did not keep those terms of their contracts confidential. For these reasons, disclosure of the information for which PEF seeks confidential classification would place PEF at a competitive disadvantage when negotiating with other contractors and, therefore, would impair the Company's efforts to contract for similar services and commodities. *See* § 366.093(3)(d), F.S. Furthermore, the information relates to the competitive interests of PEF and its contractors, the disclosure of which would impair their competitive businesses. *Id.* § 366.093(3)(e), F.S.. Accordingly, the information constitutes "proprietary confidential information" which is exempt from disclosure under 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 by page and line the information for which Progress seeks confidential classification and the specific statutory bases for seeking confidential treatment.

(b) Composite Exhibit B is a package containing two copies of redacted versions of UPS agreements and the one-page summary of costs and benefits. The specific information for which confidential treatment is requested has been blocked out by opaque marker or other means.

(c) Composite Exhibit C is a package containing unredacted copies of all the documents for which Progress seeks confidential treatment. Composite Exhibit C is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted versions, the information asserted to be confidential is highlighted by yellow marker.

3. The information identified in Exhibit "A" is intended to be and is treated as confidential by the Company. The information has not been disclosed to the public.

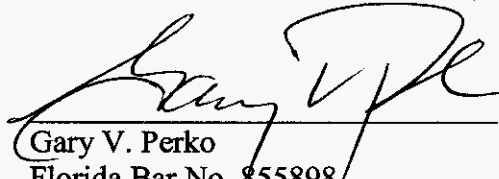
4. Progress Energy requests that the information identified in Exhibit A be classified as "proprietary confidential business information" within the meaning of § 366.093(3), F.S., and that the

information remain confidential for a period of at least 18 months as provided in § 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 respectfully requests that this Request for Confidential Classification be granted.

Respectfully submitted, this 15th day of October, 2009.

HOPPING GREEN & SAMS, P.A.



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Attorneys for PROGRESS ENERGY FLORIDA

EXHIBIT A

**PROGRESS ENGERY FLORIDA
Confidentiality Justification**

Document	Page	Line No(s).	Statutory Justification
Contract No. 433059 Between Progress Energy Florida, Inc. and Evaptech ME	2 of 49 (Part I, Section 2)	All	§ 363.093(3)(d)(e), F.S. (see ¶1 of Request)
	12 of 15 (Part III, Section 10 – 10.1.5)	1-20	
	13 of 15 (Part III, Section 11 – 11.6.1)	All	
	14 of 15 (Part III, Section 11.6.2 - 11.13)	1-39	
	1 of 2 (Part III, Schedule C)	All	
	2 of 2 (Part III, Schedule C)	All	
	1 of 1 (Part III, Schedule E)	All	
	1 of 3 (Part III, Schedule H)	All	
	2 of 3 (Part III, Schedule H)	All	
	3 of 3 (Part III, Schedule H)	All	
Contract No. 221186 Between Progress Energy Florida, Inc. and Mesa Associates, LLC.	3 of 9 (Contract Invoicing and Acceptance of Deliverables)	1-26	§ 363.093(3)(d)(e), F.S. (see ¶1 of Request)
	4 of 9 (Schedule)	1-4	
	4 of 9 (Target Price)	5-10	
	5 of 9, Target Price	All	
	5 of 9 (Performance Incentives)	All	
	6 of 9 (Performance Incentives)	1-15	
	45 of 78 (Exhibit 1, Milestones)	1-2	
	45 of 78 (Exhibit 1, Performance Schedule)	3-21	
	1 – 3 (Exhibit 2 – Project Milestone Schedule)	All	

DOCUMENT NUMBER-DATE

10150 OCT-18

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Document	Page	Line No(s)	Statutory Justification
Contract No. 221186 Between Progress Energy Florida, Inc. and Mesa Associates, LLC. (cont'd)	67 of 78 (Exhibit 3, Rate Schedules)	All	§ 363.093(3)(d)(e), F.S. (see ¶1 of Request)
Contract No. 406464 Between Progress Energy Florida, Inc. and Terra Environmental Technologies Inc.	1 (Section 2)	1-2	§ 363.093(3)(d)(e), F.S. (see ¶1 of Request)
	13 (Section 20, Insurance)	1-9	
	31	1	
	1 (Product Handling)	1-6	
	1 (Fees)	7-16	
	2 (Fees)	All	
	3 (Fees)	All	

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Public Service Commission

ACKNOWLEDGEMENT

DATE: October 1, 2009

TO: Gary V. Perko, Esquire

FROM: Marguerite H. Mclean, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 090007-EI or, if filed in an undocketed matter, concerning response to staff's 4th request for PODs (Nos. 13 and 15)., and filed on behalf of Progress Energy Florida, Inc. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

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