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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 050078-EI
Submitted for filing June 28, 2005

COMMISSION
CLERK

**PROGRESS ENERGY FLORIDA'S FOURTH 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 Request for Confidential Classification for confidential portions of PEF's responses to the Office of Public Counsel's ("OPC") Third Set of Interrogatories (Nos. 112-170), and OPC's Third Requests for Production (Nos. 108-124), as Staff has requested copies of these responses. On June 7, 2005, PEF filed its Third Notice of Intent to Request Confidential Classification with respect to this information. PEF therefore files this Fourth Request for Confidential Classification within the twenty-one day period set out in Rule 25-22.006, Florida Administrative Code. Specifically, portions of PEF's responses to

CMP _____ Interrogatory Numbers 136(d) and 155, and Request 111, contain confidential, sensitive
COM _____
CTR _____ business information, including expected dividends and projected spending on equipment
ECR 1 or materials, which would adversely impact PEF's competitive business interest if
GCL 1 disclosed to the public. Accordingly, PEF hereby submits the following.

OPC _____
MMS _____

Basis for Confidential Classification

RCA _____ Subsection 366.093(1), Florida Statutes, provides that "any records received by
SCR _____
SEC 1 the Commission which are shown and found by the Commission to be proprietary

OTH 1 *ICOMF records*

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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 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 discovery sought by Staff should be afforded confidential treatment because portions of the responses to these interrogatories and requests for production contain confidential information relating to PEF’s competitive interests. Public disclosure of the information in question (such as PEF’s expected dividends and PEF’s projected spending on equipment or materials) would compromise PEF’s competitive business interests by disclosing sensitive business information.

Responses to OPC’s Interrogatory No. 136(d) and 155

Portions of PEF’s responses to OPC’s Interrogatory numbers 136(d) and 155 should be afforded confidential treatment for the reasons set forth in the Affidavit of Javier Portuondo filed in support of PEF’s Fourth Request for Confidential Classification and for the following reasons. Portions of the responses to these interrogatories contain confidential information relating to PEF’s expected dividends and, thereby, the disclosure of such sensitive business information to the public would adversely impact PEF’s

competitive business interest. See Affidavit of Javier Portuondo at 5. Specifically, if PEF's investors were made aware of PEF's projected dividends, they may adjust their investment behavior, which could have an effect on investment in the company, potentially impairing PEF's position in the market. Id.

OPC's First Request for Production No. 111

Portions of PEF's responses to OPC's Third Request for Production number 111 should be afforded confidential treatment for the reasons set forth in the Affidavit of Javier Portuondo filed in support of PEF's Fourth Request for Confidential Classification and for the following reasons. Specifically, portions of the response to this request for production contain confidential information relating to PEF's projected spending on equipment or materials for years 2005 and 2006 and, thereby, the disclosure of such sensitive business information to the public would adversely impact PEF's competitive business interest. If PEF's suppliers or competitors were made aware of PEF's projected spending on equipment or materials, they may adjust their behavior in the market place for future months in 2005 and 2006 with respect to activity such as pricing and the acquisition and provision of goods, materials, and services. See Affidavit of Javier Portuondo at 6. Specifically, PEF's suppliers and providers may decrease supply of such equipment or materials, and/or increase the cost and prices of such goods. Id.

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 to assist the Company, and restricting the number of, and access to the information and documents. See Affidavit of Javier Portuondo at 7. 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 the responses to the interrogatories and requests for production provided to the Office of Public Counsel and sought by Staff 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 the responses to OPC's Third Set of Interrogatories (Nos. 112-170), Nos. 136(d) and 155, and OPC's Third Request for Production of Documents (Nos. 108-124), Request 111, described specifically in Attachment C, be classified as confidential for the reasons set forth above.

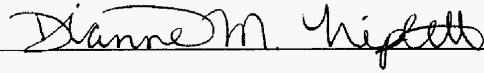
Respectfully submitted this 28th day of June, 2005.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically and via U.S. Mail this 28th day of June, 2005 to all counsel of record as indicated below.



Attorney

Jennifer Brubaker Felicia Banks Jennifer Rodan Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 C. Everett Boyd, Jr. Sutherland Asbill & Brennan LLP 2282 Killearn Center Blvd. Tallahassee, FL 32309 -and- James M. Bushee Daniel E. Frank Andrew K. Soto Sutherland Asbill & Brennan LLP 1275 Pennsylvania Avenue, N.W. Washington, DC 20004-2415 -and- Richard A. Zambo Richard A. Zambo, P.A. 2336 S.E. Ocean Blvd., #309 Stuart, FL 34996 -and- Karin S. Torain PCS Administration, (USA), Inc. Suite 400 Skokie blvd. Northbrook, IL 60062 Counsel for White Springs	John W. McWhirter, Jr. McWhirter, Reeves, Davidson, Kaufman & Arnold, P.A. 400 North Tampa Street, Ste. 2450 Tampa, FL 33601-3350 -and- Timothy J. Perry McWhirter, Reeves, Davidson, Kaufman & Arnold, P.A. 117 South Gadsden Street Tallahassee, FL 32301 Counsel for Florida Industrial Power Users Group Robert Scheffel Wright, John T. LaVia, III, Landers & Parsons, P.A. 310 West College Avenue (ZIP 32301) Post Office Box 271 Tallahassee, Florida 32302 Counsel for Florida Retail Federation Harold McLean Office of the Public Counsel c/o The Florida Legislature 111 W. Madison Street, Room 812 Tallahassee, FL 32399-1400 Mike B. Twomey P.O. Box 5256 Tallahassee, FL 32314-5256 Counsel for AARP
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 050078-EI
Submitted for filing June 28, 2005

AFFIDAVIT OF JAVIER PORTUONDO IN SUPPORT OF
PROGRESS ENERGY FLORIDA'S
FOURTH REQUEST FOR CONFIDENTIAL CLASSIFICATION

STATE OF FLORIDA

COUNTY OF PINELLAS

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

1. My name is Javier Portuondo. 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 Fourth Request for Confidential Classification. The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the Director, Regulatory Services – Florida. This department is responsible for the regulatory accounting and reporting activities of Progress Energy Florida, Inc.

3. As PEF's Director of Regulatory Services, I am familiar with certain PEF projected spending information and expected dividend amounts.

4. In its Fourth Request for Confidential Classification, PEF is seeking confidential classification for portions of its responses to OPC's Third Set of Interrogatories (Nos. 112-170) and OPC's Third Requests for Production (Nos. 108-124). The information which PEF seeks confidential classification is more specifically described in Attachment C to PEF's Fourth Request for Confidential Classification.

5. Portions of PEF's responses to OPC's Interrogatory numbers 136(d) and 155 contain confidential information relating to PEF's expected dividends and, thereby, the disclosure of such sensitive business information to the public would adversely impact PEF's competitive business interest. Specifically, if PEF's investors were made aware of PEF's projected dividends, they may adjust their investment behavior, which could have an effect on investment in the company, potentially impairing PEF's position in the market.

6. The Response to Document Request number 111 contains confidential information relating to PEF's projected spending on equipment or materials for years 2005 and 2006 and, thereby, the disclosure of such sensitive business information to the public would adversely impact PEF's competitive business interest. If PEF's suppliers or competitors were made aware of PEF's projected spending on equipment or materials, they may adjust their behavior in the market place for future months in 2005 and 2006 with respect to activity such as pricing and the acquisition and provision of goods, materials, and services. Specifically, PEF's suppliers and providers may decrease supply of such equipment or materials, and/or increase the cost and prices of such goods.


7. With respect to the confidential information at issue, strict procedures are established and followed to maintain the confidentiality of that information, including

restricting access to those persons who need information to assist the Company, and restricting the number of those who have access to the information. At no time has the Company publicly disclosed that information. The Company has treated and continues to treat the information at issue as confidential.

8. This concludes my affidavit.


Further affiant sayeth not.

Dated this 27th day of June, 2005



(Signature)

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 27th day of June, 2005 by Javier Portuondo. He is personally known to me, or has produced his _____ driver's license, or his _____ as identification.



(Signature)

Sandra C. Cope

(Printed Name)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF FL

3/8/06

(Commission Expiration Date)

