

ORIGINAL

Timolyn Henry

From: Costello, Jeanne [JCostello@CarltonFields.com]
Sent: Thursday, March 17, 2005 4:47 PM
To: Filings@psc.state.fl.us
Cc: miketwomey@talstar.com; tperry@mac-law.com
 Chrstensen.patty@leg.state.fl.us; MCGLOTHLIN, JOSEPH
Subject: Docket No. 041272
Attachments: PEF Notice Filing Executed Affidavit Supp 6th Req Conf Class.pdf; PEF Notice Service Verified Responses Staff 5th Interr.pdf

Attached for filing are Progress Energy Florida Inc.'s Notice of Service of verified responses to Staff's Fifth Set of Interrogatories (No. 48) and Notice of Filing Executed Affidavit in Support of Sixth Request for Confidential Classification on behalf of Progress Energy Florida, Inc.

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ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Progress Energy Florida, Inc.'s)
petition for approval of storm cost) Docket No.: 041272
recovery clause for extraordinary)
expenditures related to Hurricanes)
Charley, Frances, Jeanne, and Ivan.) Submitted for Filing: March 16, 2005

**NOTICE OF FILING EXECUTED AFFIDAVIT IN SUPPORT OF
SIXTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Progress Energy Florida ("PEF" or the "Company"), hereby gives notice of filing
the executed affidavit of Javier Portuondo, Director, Regulatory Services – Florida.
submitted for filing with the Commission on March 16, 2005:

R. ALEXANDER GLENN
Deputy General Counsel – Florida
PROGRESS ENERGY SERVICE
COMPANY, LLC
100 Central Avenue, Ste. 1D
St. Petersburg, FL 33701
Telephone: (727) 820-5587
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to the following individuals as indicated in the service list on this 17th day of March, 2005.

Via electronic and US Mail

Jennifer Brubaker, Esquire
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Via electronic and U.S. Mail

Tim Perry, Esquire
McWhirter Reeves McGlothlin Davidson
Kaufman & Arnold, P.A.
117 South Gadsden Street
Tallahassee, FL 32301

Via Electronic and U.S. Mail

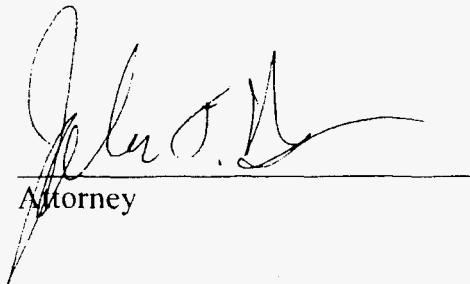
John W. McWhirter, Esquire
McWhirter Reeves McGlothlin Davidson
Kaufman & Arnold, P.A.
400 North Tampa St.
Tampa, FL 33602

Via Electronic and U.S. Mail

Patricia A. Christensen, Esquire
Office of the Public Counsel
c/o The Florida Legislature
111 West Madison St., Room 812
Tallahassee, FL 32399-1400

Via electronic and U.S. Mail

Michael B. Twomey
Post Office Box 5256
8903 Crawfordville Road (32305)
Tallahassee, FL 32314-5256
Attorneys for Buddy L. Hansen and
Sugarmill Woods Civic
Association, Inc.



Attorney

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In re: Progress Energy Florida, Inc.'s)
petition for approval of storm cost) Docket No.: 041272
recovery clause for extraordinary)
expenditures related to Hurricanes)
Charley, Frances, Jeanne, and Ivan.) Submitted for Filing: March 16, 2005**

**AFFIDAVIT OF JAVIER PORTUONDO IN SUPPORT OF
PROGRESS ENERGY FLORIDA'S
SIXTH 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 Sixth 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 help prepare, use, and am familiar with PEF's projected budgets, budget variance reports, and certain of PEF's business operations plans.

4. In its Sixth Request for Confidential Classification, PEF is seeking confidential classification for PEF's responses to Staff's Third Request for Production of Documents to

Progress Energy Florida, Inc. (No. 12-13). The information for which PEF seeks confidential classification is more specifically described in Attachment C to PEF's Sixth Request for Confidential Classification.


5. Portions of the responses to the requests for production at issue in PEF's Sixth Request for Confidential Classification contain PEF's projected and estimated business budgets and budget variance projections. Portions of those responses also contain some of PEF's confidential and proprietary internal business operations plans. The information at issue is proprietary confidential business information that would impair PEF's competitive business interests if it were disclosed to the public, PEF's suppliers, or to PEF's competitors. Specifically, if PEF's suppliers or competitors were made aware of PEF's estimated budgets, budget variances, or internal business plans, they may adjust their behavior in the market place with respect to activity such as pricing and the acquisition and provision of goods, materials, and services.

6. 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 the information to assist the Company, and restricting the number of, and 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.

7. This concludes my affidavit.

Further affiant sayeth not.

Dated the 16th day of March, 2005.



(Signature)

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 16th day of March, 2005 by Javier C. Yacobi. He/She is personally known to me, or has produced his/her _____ driver's license, or his/her personally as identification.

Gregory R. Pierce
(Signature)

Gregory R. Pierce
(Printed Name)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF Florida

1-28-05
(Commission Expiration Date)

OFFICIAL NOTARY SEAL
GREGORY R. PIERCE
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. DD014191
MY COMMISSION EXP. APR 28, 2005

DD014191
(Serial Number, If Any)