

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 050078-EI  
Submitted for filing: July 19, 2005

**AFFIDAVIT OF JAVIER PORTUONDO IN SUPPORT OF  
PROGRESS ENERGY FLORIDA'S  
EIGHTH 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 Eighth Request for Confidential Classification. The facts attested to in my affidavit are based upon my personal knowledge.

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

CTR \_\_\_\_\_ 3. As PEF's Director of Regulatory Services, I am familiar with certain of PEF's  
ECR / \_\_\_\_\_ contracts with third parties, as well as certain information regarding its oil hedge deals.  
GCL / \_\_\_\_\_

OPC \_\_\_\_\_ 4. In its Eighth Request for Confidential Classification, PEF is seeking confidential  
MMS \_\_\_\_\_ classification for portions of its responses to Staff's Fourth Request for Production of Documents  
RCA \_\_\_\_\_ (Nos. 42-46), the Florida Retail Federation's ("FRF's") Third Request for Production of  
SCR \_\_\_\_\_

SEC / \_\_\_\_\_  
OTH / *conf* \_\_\_\_\_  
*records* TPA#2065777.1

Documents (Nos. 16-35), and FRF's First Set of Interrogatories (Nos. 1-77). The information for which PEF seeks confidential classification is more specifically described in Attachment C to PEF's Eighth Request for Confidential Classification.

5. A portion of PEF's response to Staff's Request 43 contains details of oil hedge deals, including price, volumes, and quantities and, thereby, the disclosure of such sensitive business information to the public would adversely impact PEF's competitive business interest. Additionally, this response contains confidential contract terms between PEF and third parties, the disclosure of which may impair PEF's ability to effectively negotiate oil contracts. Specifically, if other third parties were made aware of PEF's confidential deals and contractual information, they may offer PEF less competitive contractual terms in future contractual negotiations.

6. Portions of PEF's responses to Staff's Requests 44 and 45 contain confidential details of PEF's oil hedge deals, including price, volumes, and quantities 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 oil hedge deals, 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. 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. Portions of Attachment K to Interrogatory Number 49 and the documents responsive to Request 26 contain confidential contractual terms and data regarding contracts between PEF and third parties, the disclosure of which may impair PEF's ability to contract for goods and services on favorable terms. Specifically, if other third parties were made aware of

PEF's confidential deals and contractual information, they may offer PEF less competitive contractual terms in future contractual negotiations.

8. 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.

9. This concludes my affidavit.

Further affiant sayeth not.

Dated the 19<sup>th</sup> day of July, 2005.

*Dani Portuondo*  
(Signature)

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 19<sup>th</sup> day of July, 2005 by Dani Portuondo. He She is personally known to me, or has produced his/her \_\_\_\_\_ driver's license, or his/her \_\_\_\_\_ as identification.

*Suzanne H. Miller*  
(Signature)

Suzanne H. MILLER  
(Printed Name)

NOTARY PUBLIC, STATE OF Florida

3/27/09  
(Commission Expiration Date)

DD 411455  
(Serial Number, If Any)

(AFFIX NOTARIAL SEAL)

