

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Florida Power Corporation's Earnings, Including Effects of Proposed Acquisition of Florida Power Corporation by Carolina Power & Light

DOCKET NO. 000824-EI

Submitted for Filing: March 6, 2002

RECEIVED FPSC 02 MAR -6 PM 4:28 COMMISSION CLERK

FLORIDA POWER CORPORATION'S MOTION FOR TEMPORARY PROTECTIVE ORDER

Florida Power Corporation ("FPC"), by and through undersigned counsel, hereby moves pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(6) for entry of a temporary protective order covering certain documents sought in discovery by the Office of Public Counsel ("OPC") and as grounds therefore states as follows:

1. On or about March 6, 2002 Florida Power served documents responsive to OPC's 15th Request for Production of Documents on OPC. Some of those documents contain confidential proprietary business information relating to specific energy usage of Florida Power industrial and wholesale customers. This information is sensitive, confidential, proprietary business information that has been treated as such by Florida Power, its parent and affiliates and is information that Florida Power has agreed to keep confidential.

2. This information includes confidential information provided by these customers relating to their expect energy usage that if disclosed would harm the competitive business of those companies by giving competitors insight into production schedules and levels. Disclosure is also likely to impact these customers willingness to provide this important load data to FPC, impairing its ability to anticipate cyclical load demands and usage patterns.

AUS
CAF
CMP
COM
CTR
ECR
GCL
DPC
MMS
SEC
OTH

RECEIVED & FILED [Signature] FPSC-BUREAU OF RECORDS

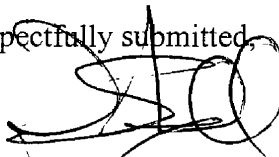
DOCUMENT NUMBER-DATE 02617 MAR-68 FPSC-COMMISSION CLERK

3. Section 366.093(2), Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code, direct that all records produced pursuant to a discovery request for which proprietary confidential status is requested shall be treated by public counsel as confidential and shall be exempt from the public records law, Chapter 119.07(1), Florida Statutes. Florida Power by this motion is seeking protection of these documents and has recorded the appropriate objections to providing such confidential, proprietary business information, but will provide documents responsive to these requests marked as confidential subject to this request, these laws and its objections. By following this procedure and producing these documents, Florida Power is not waiving its right to seek further relief as necessary to make certain that its confidential, proprietary, business information is not publicly disclosed.

4. Florida Power further requests that in connection with the entry of a temporary protective Order the Commission also require public counsel to provide Florida Power with notice of its intent to use such confidential documents in connection with the hearing.

WHEREFORE, Florida Power requests that the Commission enter an Order granting its Motion for Temporary Protective Order relating to documents identified as confidential produced in response to Staff's Tenth Request for Production of Documents and provided to OPC, instructing public counsel to continue to treat them as confidential, and requiring public counsel to provide Florida Power with notice of its intent to use such confidential documents in connection with the hearing in accord with the prehearing order governing procedure.

Respectfully submitted,



James A. McGee  
FLORIDA POWER CORPORATION  
Post Office Box 14042  
St. Petersburg, FL 33733-4042  
Telephone: (727) 820-5184  
Facsimile: (727) 820-5519

Gary L. Sasso  
James Michael Walls  
Jill H. Bowman  
W. Douglas Hall  
CARLTON FIELDS, P.A.  
Post Office Box 2861  
St. Petersburg, FL 33731  
Telephone: (727) 821-7000  
Facsimile: (727) 822-3768  
Attorneys for Florida Power Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of foregoing has been furnished via U.S. Mail to  
the following on March 6, 2002.

Mary Anne Helton, Esquire \*\*  
Adrienne Vining, Esquire  
Bureau Chief, Electric and Gas  
Division of Legal Services  
Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
Phone: (850) 413-6096  
Fax: (850) 413-6250  
Email: mhelton@psc.state.fl.us

Jack Shreve, Esquire  
Public Counsel  
John Roger Howe, Esquire  
Charles J. Beck, Esquire  
Deputy Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison St., Room 812  
Tallahassee, FL 32399-1400  
Phone: (850) 488-9330  
Fax: (850) 488-4491  
Attorneys for the Citizens of the State of  
Florida

Daniel E. Frank  
Sutherland Asbill & Brennan LLP  
1275 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2415  
Telephone: (202) 383-0838  
Fax: (202) 637-3593  
Counsel for Walt Disney World Co.

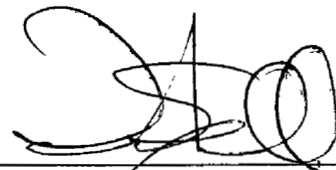
Russell S. Kent, Esq.  
Sutherland Asbill & Brennan LLP  
2282 Killearn Center Blvd.  
Tallahassee, FL 32308-3561  
Telephone: (850) 894-0015  
Fax: (850) 894-0030  
Counsel for Walt Disney World Co.

Thomas A. Cloud, Esq.  
Gray, Harris & Robinson, P.A.  
301 East Pine Street, Ste. 1400  
P.O. Box 3068  
Orlando, FL 32801  
Phone: (407) 244-5624  
Fax: (407) 244-5690  
Attorneys for Publix Super Markets, Inc.

Joseph A. McGlothlin, Esquire  
Vicki Gordon Kaufman, Esquire  
McWhirter, Reeves, McGlothlin, Davidson,  
Decker, Kaufman, Arnold & Steen, P.A.  
117 South Gadsden  
Tallahassee, FL 32301  
Telephone: (850) 222-2525  
Fax: (850) 222-5606  
Counsel for Florida Industrial Power Users  
Group and Reliant Energy Power Generation,  
Inc.

John W. McWhirter, Jr., Esquire  
McWhirter, Reeves, McGlothlin, Davidson,  
Decker, Kaufman, Arnold & Steen, P.A.  
400 North Tampa Street, Suite 2450  
Tampa, FL 33601-3350  
Telephone: (813) 224-0866  
Fax: (813) 221-1854  
Counsel for Florida Industrial Power Users  
Group

Michael B. Twomey, Esq.  
8903 Crawfordville Road (32305)  
P.O. Box 5256  
Tallahassee, FL 32314-5256  
Phone: (850) 421-9530  
Fax: (850) 421-8543  
Counsel for Sugarmill Woods Civic  
Association, Inc. and Buddy L. Hansen



---

Attorney