

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 18, 2002

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FPC'S NINTH NOTICE OF INTENT TO REQUEST CONFIDENTIAL CLASSIFICATION

Florida Power Corporation ("FPC" or the "Company"), pursuant to Section 366.093, Fla. Stats., and Rule 25-22.006, F.A.C., files this ninth notice of intent to request confidential classification of the documents listed in Publix's Notice of Intent to Use FPC's Confidential Information filed on March 13, 2002 (attached). As soon as practicable, but no longer than twenty-one (21) days of this Notice, FPC will file a Ninth Request for Confidential Classification specifically identifying the confidential information and explaining the basis for the request.

Respectfully submitted this 18th day of March, 2002.

[Handwritten signature]

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- AUS CAF CMP COM CTR ECR GCL OPC MMS SEC QTH

RECEIVED & FILED FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE 03128 MAR 18 08 FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of foregoing has been furnished via hand delivery
(where indicated by *) and via U.S. Mail to the following this 18th day of March, 2002.

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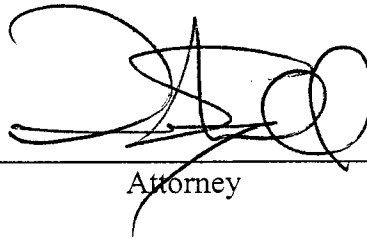
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A handwritten signature in black ink, appearing to read "Michael B. Twomey", is written over a horizontal line. The signature is stylized and somewhat cursive.

Attorney

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

Dated: March 13, 2002

PUBLIX SUPER MARKETS, INC.'S NOTICE OF INTENT TO USE FLORIDA POWER CORPORATION CONFIDENTIAL INFORMATION

Pursuant to Order Number PSC-01-2114-PCO-EI issued by the Florida Public Service Commission ("Commission") in this Docket, Publix Super Markets, Inc. ("Publix"), by and through its undersigned counsel hereby file this Notice of its intent to use or refer to the following confidential documents¹ in the hearing in this Docket currently set for March 20-22 and March 27 -28, 2002:

1. The Confidential Testimony of Publix Witness, Sheree L. Brown.
2. The Confidential Testimony of Florida Power Corporation's Direct and Rebuttal Witnesses including the direct and rebuttal testimony of Mark Myers, Charles Cicchetti and Robert Sipes.
3. The Confidential Direct Testimony of any and all of the other parties to this proceeding.
4. Those confidential documents listed in the Citizen's Notice of Intent to Use Documents Claimed to Contain Confidential Information, filed March 4, 2002.

¹ Any reference to "confidential documents" in this Notice are documents that have been designated as confidential or proprietary by FPC. Nothing contained in this Notice shall be construed as a waiver of the right of Publix to challenge any such designation.

5. All (i) work papers and other documents relied upon by Publix witness Sheree Brown and produced by Publix in its response to Florida Power Corporations' First Request For Production of Documents to Publix and (ii) discovery materials produced to Publix, including without limitation the following:
 - a. FPC FERC Form No. 1 – Reporting Years 1996, 1997, 1998, 1999 and 2000.
 - b. Project Ray Synergy List.
 - c. July 5, 2000 Notice of Annual Meeting of Shareholders issue by Florida Progress Corporation and associated documentation.
 - d. August 4, 1999 Finance Committee Report and associated materials issued by CP&L.
 - e. August 20, 1999 Minutes of Meeting of Board of Directors of Carolina Power & Light Company.
 - f. Background Materials for CP&L Board of Directors Strategic Planning Retreat, 1999.
 - g. Materials from Board 2000 Strategic Planning Seminar – Florida Power Corporation.
 - h. Florida Power Corporation Preliminary Performance Target Table – Power Trading and Term Marketing, dated 11/23/99.
 - i. 11/13/2000 – Synergy Log Summary, All Business Areas.
 - j. 11/14/2000 – Synergy Log, Detail for Specific Business Area.

- k. FPC Power Operations Team – Synergy Summary (2001 – 2003).
- l. FPC Power Trading / Wholesale Power Marketing Review (2001 Synergies).
- m. FPC Generation Expansion Review (2001 – 2003).
- n. Introduction Table – Functions Analyzed, OPC 010148.
- o. Preliminary Synergies Initiative Summary Table, OPC 010149.
- p. Preliminary Issues Summary Table, OPC 010150.
- q. Key Performance Comparison Table, OPC 010151.
- r. Synergy Initiatives Summary Table, OPC 010158.
- s. Preliminary Issues Summary Table, OPC 010159.
- t. CP&L/FPC Integration Team Power Operations/ Power Trading and Term Marketing, dated 11/3/99, OPC 010178 – 010184.
- u. Initiative Summary Table, OPC 010998
- v. Customer Service Team Synergy Summary by Initiative Table, OPC 011000.
- w. Initiative Table – Implement Energy Theft Management at CP&L, OPC 011017.
- x. Summary of Synergies – Power Operations Table, OPC 011048 – 011049.
- y. Table - Major Initiatives (Continued), OPC 011051

- z. Generation Expansion Opportunities, OPC 011058.
- aa. Final Initiative Summary, Power Trading and Term Marketing dated 11/23/99, OPC 011114.
- bb. Team Synergy Summary Table, Power Marketing and Term Marketing dated 11/23/99, OPC 011120.
- cc. Competitive Energy Overview, OPC 011130.

6. Those confidential document which may be listed by any other party in any notice of intent to use or refer to confidential documents.

7. Any confidential discovery responses, work papers and other documents relied upon by Publix witness Theodore J. Kury.

In the event Publix should identify additional documents before the Hearing, notification will be provided in accordance with the draft pre-hearing order on this docket.

Respectfully submitted by:

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I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to the following parties of record and interested parties, this _____ day of March, 2002:

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