



ORIGINAL

BONNIE E. DAVIS
DEPUTY GENERAL COUNSEL
PROGRESS ENERGY SERVICE COMPANY, LLC

October 18, 2004

HAND DELIVERY

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

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COMMISSION
CLERK

Re: ~~Docket No. 040001-EI~~

Dear Ms. Bayó:

Enclosed for filing in the subject docket on behalf of Progress Energy Florida, Inc., are an original and fifteen copies of its Motion for Temporary Protective Order.

Please acknowledge your receipt of the above filing on the enclosed copy of this letter and return to the undersigned. Also enclosed is a 3½ inch diskette containing the above-referenced document in Word format. Thank you for your assistance in this matter.

Respectfully yours,

Bonnie E. Davis

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- RCA _____
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- SEC _____
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BED/lms
Enclosures
cc: Parties of record

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FPSC-BUREAU OF RECORDS

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Phone: 850.222.8738 □ Fax: 850.222.9768 □ Email: bonnie.davis2@pgnmail.com

DOCUMENT NUMBER-DATE
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost
Recovery Clause and Generating
Performance Incentive Factor.

Docket No. 040001-EI

Submitted for filing:
October 18, 2004

**PROGRESS ENERGY FLORIDA'S
MOTION FOR TEMPORARY PROTECTIVE ORDER**

Progress Energy Florida, Inc. ("Progress Energy" or the "Company"), pursuant to Section 366.093, F.S., and Commission Rule 25-22.006(6)(c), F.A.C., hereby moves the Florida Public Service Commission (the Commission), acting through its designated Prehearing Officer, for a temporary protective order to safeguard and protect from public disclosure certain confidential documents regarding two Progress Energy purchase power agreements pending Commission approval that have been requested by the Office of Public Counsel (OPC). In support hereof, Progress Energy states as follows.

1. OPC has requested that it be allowed the opportunity to informally review documents regarding a Tolling Agreement between Progress Energy and Shady Hills Power Company, L.L.C. and a Unit Power Sales (UPS) Agreement between Progress Energy and Southern Company Services, Inc., both of which are currently pending approval by the Commission in this docket and are subject to the Company's pending Request for Confidential Classification. As with the agreements themselves, the related

documents contain highly sensitive confidential information. Progress Energy is willing to provide the requested documents to OPC, so long as this sensitive information is protected from the harm that would result from public disclosure.

2. Subsection (6)(c) of the Commission's confidentiality rule, 25-22.006, states as follows:

When a utility or other person agrees to allow Public Counsel to inspect or take possession of utility information for the purpose of determining what information is to be used in a proceeding before the Commission, the utility may request a temporary protective order exempting the information from section 119.07(1), F.S. If the information is to be used in a proceeding before the Commission, then the utility must file a specific request for a protective order under paragraph (a) above. If the information is not to be used in a proceeding before the Commission, then Public Counsel shall return the information to the utility in accordance with the record retention requirements of the Department of State.

The temporary protective order provided for by subsection (6)(c) is ideally suited to the circumstances presented by this motion and will afford the protection needed by the Company in order to honor the request of OPC to review the documents in question.

3. The undersigned has been authorized by counsel for OPC to represent that OPC does not object to the granting of this motion.

WHEREFORE, Progress Energy submits the foregoing in support of its motion for the entry of a temporary protective order protecting against public disclosure the confidential information contained the documents to be provided pursuant to the request of OPC.

Respectfully submitted,

A handwritten signature in cursive script that reads "Bonnie E. Davis". The signature is written in black ink on a light-colored background.

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Attorneys for
PROGRESS ENERGY FLORIDA, INC.

PROGRESS ENERGY FLORIDA

DOCKET NO. 040001-EI

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the Motion for Temporary Protective Order on behalf of Progress Energy Florida has been furnished to the following individuals by regular U.S. Mail the 18th day of October, 2004.

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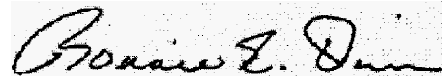
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