

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Progress Energy Florida, Inc.'s )**  
**petition for approval of storm cost )** Docket No.: 041272-EI  
**recovery clause for extraordinary )**  
**expenditures related to Hurricanes )**  
**Charley, Frances, Jeanne, and Ivan. )** Submitted for Filing: December 6, 2004  
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**PROGRESS ENERGY FLORIDA, INC.'S**  
**MOTION FOR TEMPORARY PROTECTIVE ORDER**

Progress Energy Florida, Inc. ("PEF"), 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 December 6, 2004, PEF served documents responsive to OPC's First Request for Production of Documents on OPC. Some of those documents contain confidential information related to PEF's competitive business interests, the disclosure of which would impair PEF's competitive business. The confidential information discussed above is responsive to OPC's First Request for Production of Documents, Requests 4, 5, and 7. This information is sensitive, confidential, proprietary business information that has been treated as such by PEF, its parent and affiliates, and is information that PEF keeps confidential.

2. 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. PEF, by this motion, is seeking protection of these documents, has recorded the appropriate objections to

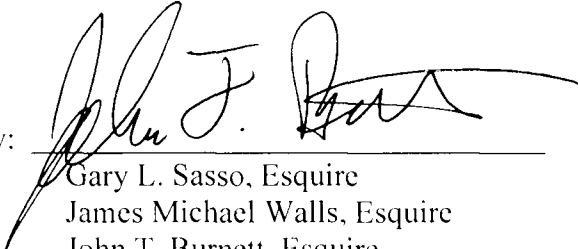
providing such confidential, proprietary business information, and has provided documents responsive to these requests marked as confidential subject to this motion, the law, Commission rules, and PEF's objections. By following this procedure and producing these documents, PEF is not waiving its right to seek further relief as necessary to make certain that its confidential, proprietary, business information is not publicly disclosed.

3. PEF further requests that in connection with the entry of a temporary protective order, the Commission also require Public Counsel to provide PEF with notice of its intent to use such confidential documents in connection with the hearing in this matter.

4. Counsel for PEF has conferred with counsel for OPC and is authorized to represent that OPC has no objection to the Commission granting this motion.

WHEREFORE, PEF requests that the Commission enter an Order granting its Motion for Temporary Protective Order relating to documents identified as confidential and produced in response to OPC's First Request for Production of Documents, instructing Public Counsel to continue to treat them as confidential, and requiring Public Counsel to provide PEF 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,

By:   
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Gary L. Sasso, Esquire  
James Michael Walls, Esquire  
John T. Burnett, Esquire  
Carlton Fields, P. A.  
P. O. Box 3239  
Tampa, FL 33601-3239

Bonnie E. Davis,  
Deputy General Counsel  
106 E. College Avenue  
Suite 800  
Tallahassee, FL 32301-7740  
Attorneys for PEF

**Progress Energy Florida**

**Docket No. 041272-EI**

**CERTIFICATE OF SERVICE**

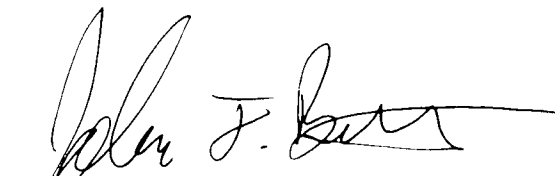
I HEREBY CERTIFY that a true copy of the foregoing has been furnished to the following individuals by electronic mail and regular U.S. Mail the 6<sup>th</sup> day of December, 2004.

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

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

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

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

  
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Attorney