

ORIGINAL

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Sent: Monday, February 28, 2005 11:14 AM
To: Filings@psc.state.fl.us
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Subject: Docket No. 041414-EI
Attachments: PEF 1st MTN Protective Order.pdf; PEF Notice of Service.pdf

Docket No. 041414

Attached for filing are Progress Energy's Notice of Service and Progress Energy Florida, Inc.'s First Motion for Temporary Protective Order.

Confidential: This e-mail contains a communication protected by the attorney-client privilege. If you do not expect such a communication from Jeanne Costello on behalf of Gary Sasso, please delete this message without reading it or any attachment, and then notify Jeanne Costello at jcostello@carltonfields.com of this inadvertent mis-delivery.

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- OTH _____

Kim P. Lockard
Done 03/02/05 KMP ✓

2/28/2005

Notice of Service
 DOCUMENT NUMBER - DATE

01998 FEB 28 '05

FPSC-COMMISSION CLERK

Motion
 DOCUMENT NUMBER - DATE

01999 FEB 28 '05

FPSC-COMMISSION CLERK

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Progress Energy Florida, Inc.'s)
petition for approval of long-term fuel)
supply and transportation contracts for)
Hines Unit 4 and additional system)
supply and transportation.)
_____)

Docket No.: 041414-EI

PROGRESS ENERGY FLORIDA, INC.'S
FIRST 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), Florida Administrative Code, for entry of a temporary protective order covering confidential documents and information sought in discovery by the Office of Public Counsel ("OPC") and as grounds therefore states as follows:

1. In its First Request for Production of Documents (No. 1), OPC has requested confidential information and documents that are responsive to Staff's First Request for Production and Staff's First Set of Interrogatories, specifically, portions of documents in Bates ranges PEF-SR-000001 through PEF-000121, and portions of PEF's responses to Staff's interrogatory numbers 1, 8, 9, 11, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 31, 32, 33, 34, 35, 39, 40, 42, 44, 45, 46, 47, and 48. The confidential information in those documents and responses is sensitive, proprietary business information that has been treated as such by PEF, its parent and affiliates, and is information that PEF keeps confidential. PEF also filed a request for confidential classification regarding the information and documents at issue in conjunction with its

original responses to Staff's first set of discovery, and that request is currently pending before the Commission.

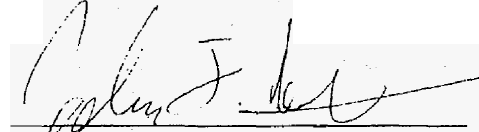
2. Section 366.093(2), Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code, direct that all records produced pursuant to a discovery request for which proprietary confidential status is requested shall be treated by public counsel as confidential and shall be exempt from the public records law, Chapter 119.07(1), Florida Statutes. PEF, by this motion, is seeking protection of all confidential documents and information that PEF will produce to OPC in this matter pursuant to OPC's First Request for Production of Documents as more specifically stated above. PEF has recorded the appropriate objections to providing such confidential, proprietary business information, and will provide documents and information 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 and information, 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 and information in connection with the hearing in this matter.

WHEREFORE, PEF requests that the Commission enter an Order granting its Motion for Temporary Protective Order relating to documents and information 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 and information in connection with the hearing in accord with the prehearing order governing procedure.

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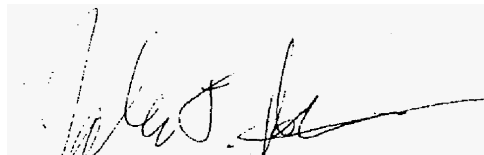
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to the following individuals as indicated in the service list on this 28th day of February, 2005.

Via electronic and U.S. Mail
Adrienne E. Vining, Esquire
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Florida Public Service Commission
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