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**From:** Dana Greene [DanaG@hgslaw.com]  
**Sent:** Friday, September 09, 2005 4:10 PM  
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**Subject:** Docket No. 050001-EI

**Attachments:** Scan011.PDF



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(270 KB)

Docket No. 050001-EI

Progress Energy Florida's Motion for Temporary Protective Order

3 pages

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DOCUMENT NUMBER-DATE

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## BEFORE THE PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery  
clause with generating performance incentive  
factor.

Docket No. 050001-EI

Dated: September 9, 2005

### **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 four waterborne coal transportation service contracts pending Commission approval that have been requested by the Office of Public Counsel ("OPC"). In support, Progress Energy states:

1. OPC has requested that it be allowed the opportunity to informally review confidential exhibits to the Company's Petition for Approval of Waterborne Coal Transportation Service Contracts pending in this docket. All of the documents that OPC has requested have been granted confidential classification by order of the Prehearing Officer dated August 31, 2005. See Order No. PSC-05-0879-CFO-EI. Progress Energy is willing to provide the requested documents to OPC, so long as the confidential 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:

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FPSC-COMMISSION CL FRK

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 a temporary protective order, but reserves the right to challenge the confidentiality of the documents upon review.

WHEREFORE, Progress Energy respectfully requests 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.

SERVED this 9<sup>th</sup> day of September, 2005

HOPPING GREEN & SAMS, P.A.

By: 

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Attorneys for Progress Energy Florida, Inc.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of Progress Energy Florida, Inc.'s Motion for Temporary Protective Order in Docket No. 050001-EI have been furnished by hand-delivery (\*) or regular U.S. mail to the following this 9th day of September, 2005.

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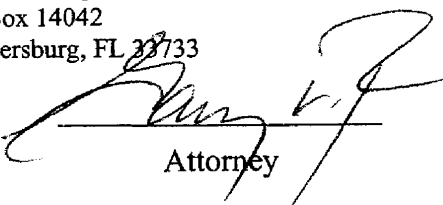
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