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Sent: Monday, October 31, 2005 4:01 PM
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Subject: Docket 050001-EI

Attachments: Scan066.PDF

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(293 KB)

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 050001-EI

In re: Fuel and Purchased Power Cost Recovery

c. Document being filed on behalf of Progress Energy Florida, Inc.

d. There are a total of 5 pages.

e. The document attached for electronic filing is Progress Energy Florida's Motion for Temporary Protective Order.

Thank you for your cooperation.

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ORIGINAL

BEFORE THE PUBLIC SERVICE COMMISSION

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

Docket No. 050001-EI

Dated: October 31, 2005

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

Progress Energy Florida, Inc. ("PEF" 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" or "FPSC"), acting through its designated Prehearing Officer, for a temporary protective order to safeguard and protect from public disclosure certain Confidential Information that PEF is providing in response to Citizens' (OPC's) Seventh Request to Produce Documents (No. 16). In support, Progress Energy states:

1. Citizens' Seventh Request to Produce Documents (No. 16) requests PEF to produce copies of all responses to Staff's discovery requests propounded on PEF to date. PEF is willing to provide the requested information to OPC, so long as the Confidential Information in PEF's responses is protected from the harm that would result from public disclosure. The information for which PEF seeks protection (herein referred to as "Confidential Information") is found:

- (a) in PEF's response to Staff's Seventh Set of Interrogatories (No. 76), filed on October 24, 2005, on Page 2, Column E and F, Lines 1-3; and
- (b) in PEF's response to Staff's Fifth Set of Interrogatories (Nos. 38, 39, and 42), filed on October 4, 2005, on Page 12, Lines 1-4, Page 13, Lines 1-13, 14-20, and Page 14, Lines 1-4.

DOCUMENT NUMBER-DATE

10544 OCT 31 05

FPSC-COMMISSIONER OF ENERGY

2. The Confidential Information includes sensitive contractual information regarding PEF's natural gas and fuel oil supply contracts as well as PEF's forward hedging volumes on a monthly basis for the remainder of 2005 and for 2006 and PEF's hedging strategy for natural gas and fuel oil. Public disclosure of the Confidential Information would violate the confidentiality provisions in certain of PEF's contracts and would impair PEF's ability to contract for services such as fuel supply on competitive and favorable terms.

3. Further, PEF has already sought protection for the Confidential Information contained in PEF's responses. The Confidential Information is subject to requests for confidential classification currently pending before the Commission, as listed below:

(a) With respect to PEF's response to Staff's Seventh Set of Interrogatories (No. 76), PEF's request for confidential classification was filed on October 24, 2005, and is currently pending; and

(b) With respect to PEF's response to Staff's Fifth Set of Interrogatories (Nos. 38, 39, and 42), PEF's request for confidential classification was filed on October 24, 2005, and is currently pending.

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

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.

5. The undersigned is authorized to state that OPC does not object to this motion.

WHEREFORE, Progress Energy Florida respectfully requests entry of a temporary protective order protecting against public disclosure the confidential information that PEF is providing in response to Citizens' Seventh Request to Produce Documents (No. 16).

RESPECTFULLY SUBMITTED this 31st day of October, 2005

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY, on behalf of Progress Energy Florida, PEF's Motion for Temporary Protective Order in Docket No. 050001-EI has been furnished by electronic mail (*) or by regular U.S. mail to the following this 31st day of October, 2005.

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