

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Florida Power Corporation's earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light.

DOCKET NO. 000824-EI
ORDER NO. PSC-02-0353-PCO-EI
ISSUED: March 15, 2002

FOURTH ORDER ON DISCOVERY MOTIONS

On February 8, 2002, Florida Power Corporation (FPC) filed a Motion for Temporary Protective Order covering certain documents sought by the Office of Public Counsel's (OPC) Third Set of Request for Production of Documents. On February 19 and 20, 2002, FPC filed two Motions for Temporary Protective Order pertaining to certain documents provided to OPC in response to Staff's Tenth Request for Production of Documents. Then, on March 4, 2002, FPC filed a Motion for Temporary Protective Order pertaining to certain documents in response to OPC's Fourteenth Set of Request for Production of Documents. On March 6, 2002, FPC filed another Motion for Temporary Protective Order involving documents asked for by OPC's Fifteenth Set of Request for Production of Documents. Finally, on March 13, 2002, FPC filed another Motion for Temporary Protective Order involving documents asked for by OPC's Fourteenth Set of Request for Production of Documents number 154. No responses to the Motions for Temporary Protective Order described above were filed.

Motion filed on February 8, 2002

On February 8, 2002, FPC filed a Motion for Temporary Protective Order, pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code. The motion covers certain documents sought by OPC's Third Set of Request for Production of Documents. FPC argues that OPC seeks documents that include reliability studies prepared by third party organizations that are purchased by FPC or obtained by FPC as a participating member of those organizations with the agreement and understanding that the information would be kept confidential and would not be published or otherwise disseminated by FPC. FPC seeks protection for these documents, and objects to providing confidential,

DOCUMENT NUMBER-DATE

03028 MAR 15 2002

FPSC-COMMISSION CLERK

proprietary business information, but will provide documents responsive to OPC's requests as long as these documents can be marked confidential and are not publicly disclosed. Additionally, FPC requests that the Commission require OPC to provide FPC with notice of its intent to use these confidential documents in connection with this hearing.

Upon review of the pleadings and consideration of the arguments, FPC's Motion for Temporary Protective Order, filed on February 8, 2002, shall be granted. It appears that the material requested by OPC is proprietary, confidential business information that includes reliability studies. Accordingly, this information will be granted temporary confidential status pursuant to Section 366.093(2), Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code.

No ruling is necessary on FPC's request that OPC be ordered to provide FPC with notice of its intent to use these confidential documents in connection with the hearing. Order No. PSC-01-2114-PCO-EI, the Order Establishing Procedure, provides for a seven day notice requirement concerning the use of confidential information at the hearing. As such, OPC is already required to provide FPC with seven days notice of its intent to use any confidential information at the hearing. Therefore, no ruling is required.

Motion filed on February 19, 2002

On February 19, 2002, FPC filed a Motion for Temporary Protective Order, pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code. The motion covers certain documents provided to OPC in response to Staff's Tenth Request for Production of Documents. FPC argues that OPC seeks documents that include detailed employee information including age information, social security numbers, and other employee personal information used by FPC or those hired by FPC in performance of actuarial studies relating to pension benefits and other post retirement benefits. FPC seeks protection for these documents, and objects to providing confidential, proprietary business information, but will provide these documents responsive to OPC's requests as long as the documents can be marked confidential and are not publicly disclosed. Additionally, FPC requests that the Commission require OPC to provide FPC with notice

of its intent to use these confidential documents in connection with this hearing.

Upon review of the pleadings and consideration of the arguments, FPC's Motion for Temporary Protective Order, filed on February 19, 2002, shall be granted. It appears that the material requested by OPC is proprietary, confidential business information that includes detailed employee information. Accordingly, this information will be granted temporary confidential status pursuant to Section 366.093(2), Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code.

For the reasons discussed above concerning FPC's Motion for Temporary Protective Order, filed February 8, 2002, no ruling is necessary on FPC's request that OPC be ordered to provide FPC with notice of its intent to use these confidential documents in connection with the hearing scheduled for this docket.

Motion filed on February 20, 2002

On February 20, 2002, FPC filed a Motion for Temporary Protective Order, pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code. The motion covers certain documents provided to OPC in response to Staff's Tenth Request for Production of Documents. FPC argues that OPC seeks documents that include confidential actuarial studies containing detailed financial projections that, if disclosed, would harm the competitive interests of the company. FPC seeks protection for these documents, and objects to providing confidential, proprietary business information, but will provide documents responsive to OPC's request as long as these documents can be marked confidential and are not publicly disclosed. Additionally, FPC requests that the Commission require OPC to provide FPC with notice of its intent to use these confidential documents in connection with this hearing.

Upon review of the pleadings and consideration of the arguments, FPC's Motion for Temporary Protective Order, filed on February 20, 2002, shall be granted. It appears that the material requested by OPC is proprietary, confidential business information that includes actuarial studies. Accordingly, this information will be granted temporary confidential status pursuant to Section

366.093(2), Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code.

For the reasons discussed above concerning FPC's Motion for Temporary Protective Order, filed on February 8, 2002, no ruling is necessary on FPC's request that OPC be ordered to provide FPC with notice of its intent to use these confidential documents in connection with the hearing scheduled for this docket.

Motion filed on March 4, 2002

On March 4, 2002, FPC filed a Motion for Temporary Protective Order, pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code. The motion pertains to certain documents sought by OPC's Fourteenth Request for Production of Documents. FPC argues that OPC seeks documents that include customer surveys prepared by third party organizations that are purchased by FPC or obtained by FPC as a participating member of those organizations with the agreement and understanding that the information would be kept confidential and would not be published or otherwise disseminated by FPC. FPC seeks protection for these documents, and objects to providing confidential, proprietary business information, but will provide documents responsive to OPC's request as long as these documents can be marked confidential and are not publicly disclosed. Additionally, FPC requests that the Commission require OPC to provide FPC with notice of its intent to use these confidential documents in connection with this hearing.

Upon review of the pleadings and consideration of the arguments, FPC's Motion for Temporary Protective Order, filed on March 4, 2002, shall be granted. It appears that the material requested by OPC is proprietary, confidential business information that includes customer surveys. Accordingly, this information will be granted temporary confidential status pursuant to Section 366.093(2), Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code.

For the reasons discussed above concerning FPC's Motion for Temporary Protective Order, filed February 8, 2002, no ruling is necessary on FPC's request that OPC be ordered to provide FPC with

notice of its intent to use these confidential documents in connection with the hearing scheduled for this docket.

Motion filed on March 6, 2002

On March 6, 2002, FPC filed a Motion for Temporary Protective Order, pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code. The motion covers certain documents sought by OPC's Fifteenth Request for Production of Documents. FPC argues that OPC seeks documents that include confidential information provided by customers relating to their expected energy usage that, if disclosed, would harm the competitive business of the company by giving competitors insight into production schedules and levels. FPC also states that disclosure of this information is likely to impact the customers' willingness to provide important load data to FPC, impairing its ability to anticipate cyclical load demands and usage patterns. FPC seeks protection for these documents, and objects to providing confidential, proprietary business information, but will provide documents responsive to OPC's request so long as these documents can be marked confidential and are not publicly disclosed. Additionally, FPC requests that the Commission require OPC to provide FPC with notice of its intent to use these confidential documents in connection with this hearing.

Upon review of the pleadings and consideration of the arguments, FPC's Motion for Temporary Protective Order, filed on March 6, 2002, shall be granted. It appears that the material requested by OPC is proprietary, confidential business information that includes confidential information provided by customers relating to their expected energy usage. Accordingly, this information will be granted temporary confidential status pursuant to Section 366.093(2), Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code.

For the reasons discussed above concerning FPC's Motion for Temporary Protective Order, filed February 8, 2002, no ruling is necessary on FPC's request that OPC be ordered to provide FPC with notice of its intent to use these confidential documents in connection with the hearing scheduled for this docket.

Motion filed on March 13, 2002

On March 13, 2002, FPC filed a Motion for Temporary Protective Order, pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code. The motion covers certain documents sought by OPC's Request for Production of Documents Number 154. FPC argues that OPC seeks documents that include confidential communications made in negotiations of insurance premiums and strategies for insurance premium negotiations that, if disclosed, would harm the competitive interests of the company by impacting FPC's ability to obtain favorable insurance rates in the future. FPC seeks protection for these documents, and objects to providing confidential, proprietary business information, but will provide documents responsive to OPC's requests as long as these documents can be marked confidential and are not publicly disclosed. Additionally, FPC requests that the Commission require OPC to provide FPC with notice of its intent to use these confidential documents in connection with this hearing.

Upon review of the pleadings and consideration of the arguments, FPC's Motion for Temporary Protective Order, filed March 13, 2002, shall be granted. It appears that the material requested by OPC is proprietary, confidential business information that includes communications made in negotiations of insurance premiums. Accordingly, this information will be granted temporary confidential status pursuant to Section 366.093(2), Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code.

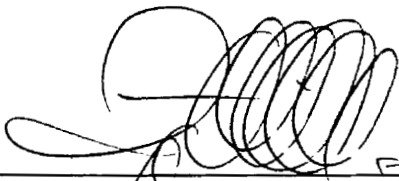
For the reasons discussed above concerning FPC's Motion for Temporary Protective Order, filed February 8, 2002, no ruling is necessary on FPC's request that OPC be ordered to provide FPC with notice of its intent to use these confidential documents in connection with the hearing scheduled for this docket.

Based on the foregoing, it is

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that Florida Power Corporation's Motions for Temporary Protective Order, filed on February 8, 2002, February 19, 2002, March 4, 2002, March 6, 2002, and March 13, 2002, are granted as set forth in the body of this Order.

ORDER NO. PSC-02-0353-PCO-EI
DOCKET NO. 000824-EI
PAGE 7

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 15th day of March, 2002.



BRAULIO L. BAEZ
Commissioner and Prehearing Officer

(S E A L)

KNE

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric,

ORDER NO. PSC-02-0353-PCO-EI
DOCKET NO. 000824-EI
PAGE 8

gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.