

ORIGINAL



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COMMISSION  
CLERK

November 9, 2001

Blanca S. Bayo, Director  
Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Re: Docket No. 000824-EI

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and 15 copies of Citizens' Response in Partial Opposition to Florida Power Corporation's Motion for Temporary Protective Order.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Charles J. Beck,  
Deputy Public Counsel

TP  
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SEC  
SER  
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CJB:bsr

Enclosure

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

14289 NOV-90

FPSC-COMMISSION CLERK

**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             )  
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Docket No. 000824-EI

Filed November 9, 2001

**CITIZENS' RESPONSE IN PARTIAL OPPOSITION TO FLORIDA POWER CORPORATION'S MOTION FOR TEMPORARY PROTECTIVE ORDER**

The Citizens of Florida, by and through Jack Shreve, Public Counsel, file this response in partial opposition to the motion for temporary protective order filed by Florida Power Corporation on November 7, 2001.

1. On October 25, 2001, the Prehearing Officer issued order no. PSC-01-2114-PCO-EI, the Order Establishing Procedure. The order sets forth a procedure for using confidential information at hearing that is the procedure typically used in all hearings. Among other things, the order requires parties to notify the Prehearing Officer and all parties of record of their intent to use information claimed to be confidential by no later than the time of the prehearing conference, or if not known at that time, no later than seven days prior to the beginning of the hearing. This procedure has been used successfully in numerous hearings and balances the interests of parties in using information at hearing with the interests of utilities claiming that certain information is confidential.

2. Florida Power Corporation's motion for temporary protective order asks the Prehearing Officer to require Public Counsel to provide Florida Power

Corporation sixty days prior notice of our intent to use confidential information. Florida Power Corporation provides no rationale for its request.

3. Citizens request the Prehearing Officer to deny this portion of Florida Power Corporation's motion for temporary protective order. The Order Establishing Procedure already sets forth a procedure for handling confidential information at hearing, and this is the same procedure normally used by the Commission. Florida Power Corporation's motion provides to reason whatsoever to deviate from this established procedure. Further, the sixty day prior notice proposed by Florida Power Corporation would be unduly burdensome to Citizens and could lead to excessive numbers of documents being identified for use at hearing in order to preserve the right to use them. The Order Establishing Procedure, on the other hand, sets the correct balance.

**WHEREFORE**, Citizens request the Prehearing Officer to deny Florida Power Corporation's request for a temporary protective order to the extent that it requests sixty days prior notice of intent to use information claimed by the company to be confidential.

Respectfully submitted,

JACK SHREVE  
PUBLIC COUNSEL

A handwritten signature in black ink that reads "Charles J. Beck". The signature is written in a cursive style with a large, stylized "B" at the end.

Charles J. Beck  
Deputy Public Counsel  
Fla. Bar No. 217281

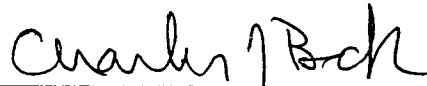
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Attorney for Florida's  
Citizens

**CERTIFICATE OF SERVICE  
DOCKET NO. 000824-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail or hand-delivery to the following parties on this 9th day of November, 2001.



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