

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

Submitted for Filing:  
November 16, 2001

**FLORIDA POWER CORPORATION'S  
MOTION FOR TEMPORARY PROTECTIVE ORDER**

Florida Power Corporation ("FPC"), by and through undersigned counsel, hereby moves pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(6) for entry of a temporary protective order covering certain documents sought in discovery by the Office of Public Counsel and as grounds therefore states as follows:

1. On or about October 12, 2001, Office of Public Counsel ("OPC"), representing the interests of Florida's Citizens ("Citizens"), served Citizens' Fifth Set of Production Requests on FPC. In connection with some but not all of these requests, OPC seeks confidential proprietary information prepared by consultants for Florida Power that has been utilized by the Company in a manner that would protect the confidential nature of the documents. The information contained in the responsive documents is sensitive, confidential, proprietary business information that has been treated as such by Florida Power, its parent and affiliates.

2. This information includes confidential information concerning employee retirement and pension benefits, that if disclosed would harm the competitive business of the company and/or the interests of the ratepayers and the company.

3. 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

DOCUMENT NUMBER DATE

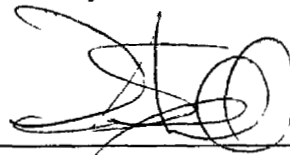
14593 NOV 19 01

FPSC-COMMISSION CLERK

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. Florida Power by this motion is seeking protection of these documents and has recorded the appropriate objections to providing such confidential, proprietary business information, but will provide documents responsive to these requests marked as confidential subject to this request, these laws and its objections. By following this procedure and producing these documents, Florida Power is not waiving its right to seek further relief as necessary to make certain that its confidential, proprietary, business information is not publicly disclosed.

WHEREFORE, Florida Power requests that the Commission enter an Order granting its Motion for Temporary Protective Order relating to documents identified as confidential produced in response to OPC's Fifth Request for Production of Documents, instructing public counsel to continue to treat them as confidential, and requiring public counsel to provide Florida Power with notice of its intent to use such confidential documents in connection with the hearing.

Respectfully submitted,



James A. McGee  
FLORIDA POWER CORPORATION  
Post Office Box 14042  
St. Petersburg, FL 33733-4042  
Telephone: (727) 820-5184  
Facsimile: (727) 820-5519

Gary L. Sasso  
James Michael Walls  
Jill H. Bowman  
W. Douglas Hall  
CARLTON FIELDS, P.A.  
Post Office Box 2861  
St. Petersburg, FL 33731  
Telephone: (727) 821-7000  
Facsimile: (727) 822-3768  
Attorneys for Florida Power Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of foregoing has been furnished via U.S. Mail to all other counsel of record listed this 16th day of November, 2001.

Mary Anne Helton, Esquire \*\*  
Adrienne Vining, Esquire  
Bureau Chief, Electric and Gas  
Division of Legal Services  
Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
Phone: (850) 413-6096  
Fax: (850) 413-6250  
Email: mhelton@psc.state.fl.us

Jack Shreve, Esquire  
Public Counsel  
John Roger Howe, Esquire  
Charles J. Beck, Esquire  
Deputy Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison St., Room 812  
Tallahassee, FL 32399-1400  
Phone: (850) 488-9330  
Attorneys for the Citizens of the State of  
Florida

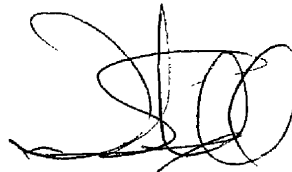
Daniel E. Frank  
Sutherland Asbill & Brennan LLP  
1275 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2415  
Telephone: (202) 383-0838  
Counsel for Walt Disney World Co.

Russell S. Kent, Esq.  
Sutherland Asbill & Brennan LLP  
2282 Killlearn Center Blvd.  
Tallahassee, FL 32308-3561  
Telephone: (850) 894-0015  
Counsel for Walt Disney World Co.

Thomas A. Cloud, Esq.  
Gray, Harris & Robinson, P.A.  
301 East Pine Street, Ste. 1400  
P.O. Box 3068  
Orlando, FL 32801  
Phone: (407) 244-5624  
Fax: (407) 244-5690  
Attorneys for Publix Super Markets, Inc.

John W. McWhirter, Jr., Esquire  
McWhirter, Reeves, McGlothlin, Davidson,  
Decker, Kaufman, Arnold & Steen, P.A.  
400 North Tampa Street, Suite 2450  
Tampa, FL 33601-3350  
Telephone: (813) 224-0866  
Fax: (813) 221-1854  
Counsel for Florida Industrial Power Users  
Group

Joseph A. McGlothlin, Esquire  
Vicki Gordon Kaufman, Esquire  
McWhirter, Reeves, McGlothlin, Davidson,  
Decker, Kaufman, Arnold & Steen, P.A.  
117 South Gadsden  
Tallahassee, FL 32301  
Telephone: (850) 222-2525  
Fax: (85) 222-5606  
Counsel for Florida Industrial Power Users  
Group and Reliant Energy Power Generation,  
Inc.

A handwritten signature in black ink, appearing to read 'J. McGlothlin', written over a horizontal line.

Attorney