

ORIGINAL

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 30, 2001

FLORIDA POWER CORPORATION'S MOTION FOR TEMPORARY PROTECTIVE ORDER

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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 November 30, 2001, Florida Power will be producing documents responsive to document requests made by the Office of Public Counsel ("OPC"), representing the interests of Florida's Citizens ("Citizens"), including supplemental documents being provided in response to OPC's First Request for Production and documents responsive to OPC's the Third and Fifth Requests for Production numbers 29, 36, 41, 42, 44, 55, 56, 57, 62, 63, 70 and 93. In connection with some but not all of these requests, OPC seeks confidential proprietary information relating to the merger of Florida Progress and its subsidiaries with Carolina Power and Light, confidential studies prepared by outside consultants with the understanding that they would be

kept confidential, confidential strategic business initiatives of the combined companies, internal audits and confidential contract, severance and employee personal information. 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.

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2. This information includes confidential information developed to access the merger, information relating to the Company's business practices or the combination of its business practices with those of Carolina Power and Light, contract, severance and personal employee information, studies prepared by outside consultants assessing the business and the combination thereof, internal audit reports, and confidential strategic business plans that if disclosed would harm the competitive business of the company and/or the interests of the ratepayers and the company.

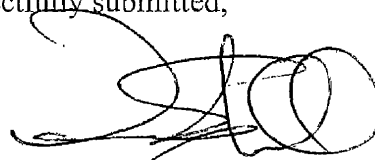
3. Section 366.093(2), Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code, direct that all records produced pursuant to a discovery request for which proprietary confidential status is requested shall be treated by public counsel as confidential and shall be exempt from the public records 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.

4. Florida Power further requests that in connection with the entry of a temporary protective Order the Commission also require public counsel to provide Florida Power with notice of its intent to use such confidential documents in connection with the hearing.

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 Third 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,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of foregoing has been furnished via U.S. Mail to the following this 30<sup>th</sup> day of November, 2001.

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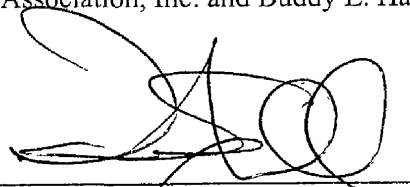
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