

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: December 17, 2001

ORIGINAL RECEIVED-FPSC 01 DEC 17 PM 4:32 COMMISSION CLERK

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 Staff copies of which have been requested by the Office of Public Counsel and as grounds therefore states as follows:

1. On December 17, 2001, Florida Power will be producing documents responsive to document requests made by the Staff of the Florida Public Service Commission ("Staff") in Staff's Fourth Request for Production of Documents copies of which have been informally requested by the Office of Public Counsel ("OPC"), representing the interests of Florida's Citizens ("Citizens"). In connection with some but not all of these requests, OPC will receive copies of confidential proprietary financial information, confidential information provided to the SEC and confidential documents of Progress Energy's Service Company. 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 financial information, confidential information provided to the SEC, and confidential business information of Progress Energy Service Company that if disclosed would harm the competitive business of the company and/or its affiliates or parent and/or the interests of the ratepayers and the company and/or its affiliates or parent.

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 to OPC in response to Staff's 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 17<sup>th</sup> day of December, 2001.

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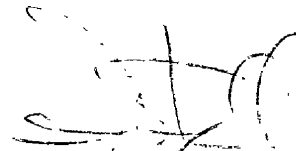
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