

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 21, 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 November 21, 2001 ("OPC"), representing the interests of Florida's Citizens ("Citizens"), served Citizens' Eighth Set of Production Requests on FPC. In connection with some but not all of these requests, OPC seeks confidential proprietary information relating confidential strategic business initiatives of Florida Power, confidential financial information and the confidential work papers and analysis of Deloitte & Touche. 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 financial information, confidential workpapers and analysis by Deloitte & Touche, 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 or invade the privacy of FPC's former employees.

DOCUMENT NUMBER-DATE

15928 DEC 21 01

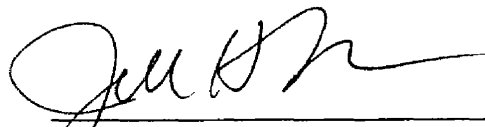
FPSC-COMMISSION CLERK

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,



James A. McGee  
FLORIDA POWER CORPORATION  
Post Office Box 14042

Gary L. Sasso  
James Michael Walls  
Jill H. Bowman

St. Petersburg, FL 33733-4042  
Telephone: (727) 820-5184  
Facsimile: (727) 820-5519

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 the following this 20<sup>th</sup> day of December 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.

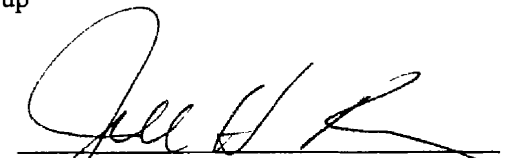
Russell S. Kent, Esq.  
Sutherland Asbill & Brennan LLP  
2282 Killearn Center Blvd.  
Tallahassee, FL 32308-3561  
Telephone: (850) 894-0015  
Counsel for Walt Disney World Co.

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.

Michael B. Twomey, Esq.  
8903 Crawfordville Road (32305)  
P.O. Box 5256  
Tallahassee, FL 32314-5256  
Phone: (850) 421-9530  
Fax: (850) 421-8543  
Counsel for Sugarmill Woods Civic  
Association, Inc. and Buddy L. Hansen

  
Attorney