

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: January 9, 2002

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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's request number 119 and as grounds therefore states as follows:

1. On December 27, 2001, Florida Power produced documents responsive to production request number 119 of the Office of Public Counsel ("OPC"), representing the interests of Florida's Citizens ("Citizens"). In connection with this request, OPC sought documents some of which contain personal customer information and account information that the customer would not expect Florida Power to share with the public. Florida Power has handled this non-public complaint information as confidential with respect to the identities and related personal customer information and it has been utilized by the Company in a manner that would protect the confidential nature of such customer information.

2. This personal customer information contained in non-public complaints, if disclosed, would invade the privacy of Florida Power's customers and make public, customer name, address and account information that would not otherwise be published by Florida Power,

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DOCUMENT NUMBER-DATE 00309 JAN -98 FPSC-COMMISSION CLERK

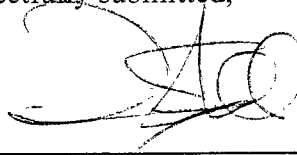
harming the ratepayers' ability to privately attempt to resolve issues or concerns and provide Florida Power with the necessary information to do so.

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.

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,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of foregoing has been furnished via hand delivery (where indicated by \*) and via U.S. Mail to the following on January 9, 2002.

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