

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: February 8, 2002

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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 Office of Public Counsel and as grounds therefore states as follows:

1. On or about February 4, 2002 Florida Power discovered additional documents responsive to the Office of Public Counsel's ("OPC"), representing the interests of Florida's Citizens ("Citizens"), Third Set of Production Requests. These documents are the confidential proprietary business information of third parties, purchased for use or provided as a consequence of membership to Florida Power Corporation. 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 and is information that Florida Power has agreed to keep confidential.

2. This information includes reliability studies prepared by third party organizations and purchased by Florida Power Corporation or obtained by Florida Power as a participating member of those organizations with the agreement and understanding that the information would be kept confidential and would not be published or otherwise disseminated by Florida Power

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

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Corporation. Florida Power would be in violation of its agreements or understanding with these third-party vendors or organizations if it disclosed this confidential information, which is detrimental to the interests of the company and/or the interests of the ratepayers and the company. Disclosure of this information would also impair the efforts of the Florida Power to contract for and participate in confidential reliability studies and or purchase such studies and information from third party vendors or organizations for benchmarking purposes. Moreover, disclosure would impair these vendors or organizations competitive business interests by disseminating their proprietary business information.

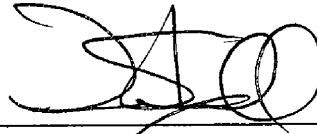
3. Section 366.093(2), Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code, direct that all records produced pursuant to a discovery request for which proprietary confidential status is requested shall be treated by public counsel as confidential and shall be exempt from the public records 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 on February 8, 2002.

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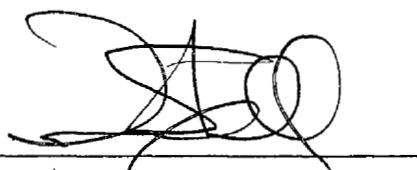
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