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April 29, 2002

## VIA HAND DELIVERY

Blanca S. Bayo, Director  
Division of Records and Reporting  
Betty Easley Conference Center  
4075 Esplanade Way  
Tallahassee, Florida 32399-0870

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COMMISSION  
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Re: Docket No.: 020262 and 020263

Dear Ms. Bayo:

On behalf of Reliant Energy Power Generation, Inc., enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ Reliant Energy Power Generation, Inc. to Motions of AES Coral and Tampa Electric Company, Inc. for Protective Orders.

Please acknowledge receipt of the above on the extra copy of each and return the stamped copies to me. Thank you for your assistance.

Sincerely,

Joseph A. McGlothlin

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McWHIRTER, REEVES, Mc

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PPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition of Florida Power and Light  
Company for a Determination of Need  
For a power plant proposed to be located  
In Martin County

Docket No. 020262

In re: Petition of Florida Power and Light  
Company for a Determination of Need  
For a power plant proposed to be located  
In Manatee County

Docket No. 020263

Filed: April 29, 2002

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**RESPONSE OF RELIANT ENERGY POWER GENERATION, INC.  
TO MOTIONS OF AES CORAL AND TAMPA ELECTRIC  
COMPANY, INC FOR PROTECTIVE ORDERS**

Reliant Energy Power Generation, Inc., (“Reliant Energy”), through its undersigned counsel, responds to the Requests for Protective Orders submitted by AES Coral (“AES”) and Tampa Electric Company (“TECO”) and states:

1. On April 22, 2002 FPL, Reliant Energy, and other Intervenors executed a confidentiality agreement in these dockets. The agreement is the subject of a joint motion for approval of the agreement.
2. On April 22, 2002, AES filed a motion for protective order, in which AES objected to the disclosure under the agreement of AES’ bid information and data.
3. On April 22, 2002, FPL filed its Emergency Motion to Hold Proceedings In Abeyance. This motion was followed on April 29, 2002, by FPL’s Emergency Request for Waiver of the requirement of Rule 25-22.082, F.A.C. that the Commission conduct an evidentiary hearing in these dockets within 90 days of the filing of the petitions.
4. On April 26, 2002, the Prehearing Officer issued an Interim Order On Procedure, in which he suspended current case activities in anticipation of the emergency application for a waiver.
5. In its Emergency Application for Waiver, FPL commits to the issuance of a

revised RFP, to which developers may respond with bids that will supplant those submitted in September of 2001.

6. In discovery Reliant Energy and other Intervenor have requested copies of the EGEAS model and of the evaluations of bids that FPL conducted with the model. Those discovery requests prompted the filing of the motions for protective orders. However, while the September 2001 bids will be superseded by responses to the revised RFP, Reliant Energy will require enough data from the initial analysis performed by FPL to enable it to thoroughly review the model and the use that FPL made of the model.

7. Reliant Energy has been informed by its consultant that the analyses that FPL made of its self-build options with EGEAS and the data and analyses pertaining to the proposals of Reliant Energy and the other Intervenor who have signed the confidentiality agreement will suffice for this purpose. Accordingly, with the caveat that FPL must supply this minimum information under terms of the confidentiality agreement, Reliant Energy does not require the September 2001 bid information submitted by non-intervening bidders at this juncture. Reliant Energy suggests this as a compromise for all Intervenor. If some Intervenor request and are given access to a broader scope of information at this point, Reliant Energy will request and expect similar access.

8. Reliant Energy regards this as an interim resolution of confidentiality concerns. Reliant reserves the right to seek in future discovery requests all materials, data, and information relating to the evaluation that FPL conducts following the receipt of responses to the revised RFP that Reliant needs to fully protect its interests in these dockets.

  
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Attorneys for Reliant Energy Power Generation, Inc.

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Reliant Energy Power Generation, Inc.'s Response to Motions of AES Coral and Tampa Electric Company, Inc. for Protective Orders, was on this 29th day of April 2002, served via (\*) Hand delivery and U.S. Mail to the following:

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