

HOPPING GREEN & SAMS

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS

123 SOUTH CALHOUN STREET
POST OFFICE BOX 6526
TALLAHASSEE, FLORIDA 32314

(850) 222-7500

FAX (850) 224-8551

www.hgss.com

ORIGINAL

ANGELA R. MORRISON
ERIC T. OLSEN
GARY V. PERKO
MICHAEL P. PETROVICH
DAVID L. POWELL
CAROLYN S. RAEPPLE
DOUGLAS S. ROBERTS
D. KENT SAFRIET
GARY P. SAMS
TIMOTHY G. SCHOENWALDER
DAN R. STENGLE
CHERYL G. STUART
JENNIFER A. TSCHETTER
VICTORIA L. WEBER

OF COUNSEL
ELIZABETH C. BOWMAN
REX D. WARE

JAMES S. ALVES
BRIAN H. BIBEAU
RICHARD S. BRIGHTMAN
DIANE W. CARR
KEVIN B. COVINGTON
T. SPENCER CROWLEY, III
BRIAN A. CRUMBAKER
PETER C. CUNNINGHAM
RALPH A. DeMEO
WILLIAM H. GREEN
MATTHEW L. HICKS
WADE L. HOPPING
GARY K. HUNTER, JR.
JONATHAN T. JOHNSON
ROBERT A. MANNING
FRANK E. MATTHEWS
RICHARD D. MELSON
KYLE V. MITCHELL

Writer's Direct Dial No.
(850) 425-2313

October 30, 2002

RECEIVED
OCT 30 PM 1:01
COMMISSION
CLERK

Blanca Bayó
Director, Division of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

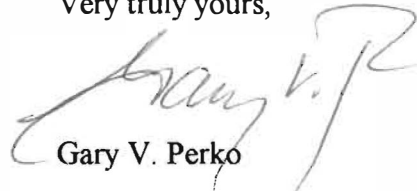
Re: Docket 020007-EI

Dear Ms. Bayó:

Enclosed herewith for filing in the above referenced docket on behalf of Florida Power Corporation are the original and fifteen copies of its Motion for Temporary Protective Order.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning it to me. If you have any questions concerning this filing, please call me at 850/425-2359.

Very truly yours,



Gary V. Perko

GVP/jlm

Enclosures

cc: Certificate of Service

AUS _____
CAF _____
CMP _____
COM 5
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC 1
OTH _____

RECEIVED & FILED
P.V.N.
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
11895 OCT 30 02
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental cost)
recovery clause.)
_____)

DOCKET No. 020007- EI
DATED: October 30, 2002

**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 25-22.066(6) for entry of a temporary protective order covering certain documents sought in discovery by the Office of Public Counsel ("OPC") and as grounds therefor states:

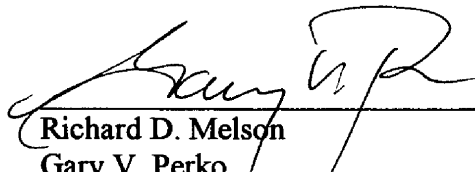
1. On or about October 30, 2002, OPC served its First Request for Production of Documents. Some of documents responsive to OPC's request contain confidential proprietary business information relating to FPC's negotiation for consulting services by third party vendors. The information contained in the responsive documents is sensitive, confidential, proprietary business information that has been treated as such by FPC, its parent and affiliates, as well as the third party vendors. If disclosed, such information would harm the competitive business of the company and/or the interests of the ratepayers and the company.

2. 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. By this motion, FPC is seeking such protection for these documents.

3. FPC further requests that in connection with the entry of a temporary protective Order the Commission also require public counsel to provide FPC with notice of its intent to use such confidential documents in connection with the hearing in this matter.

WHEREFORE, Florida Power Company requests that the Commission enter an Order granting its Motion for Temporary Protective Order relating to documents identified as confidential in response to OPC's First Request for Production of Documents, instructing public counsel 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 in accord with the prehearing order governing procedure.

DATED this 30th day of October, 2002.


Richard D. Melson
Gary V. Perko
HOPPING GREEN & SAMS, P.A.
123 South Calhoun Street
Tallahassee, FL 32301

Attorneys for Florida Power Corporation

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by regular U.S. mail and/or hand-delivery (*) to all known parties of record in Docket No. 020007-EI this 30th day of October, 2002.

Marlene Stern*
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Jim McGee
Associate General Counsel
Florida Power Corp.
100 Central Avenue.
St. Petersburg, FL 33701-3324

John T. Butler, Esq.
Steel Hector & Davis, LLP
200 S. Biscayne Bay Blvd, Ste.
Miami, FL 33131-2398

Lee L. Willis, Esq.
James D. Beasley, Esq.
Ausley & McMullen
P.O. Box 391
Tallahassee, FL 32302

Robert Vandiver, Esq.(*)
Office of Public Counsel
111 West Madison Street, Rm. 812
Tallahassee, FL 32399

Jeffrey A. Stone, Esq.
Russell A. Badders, Esq.
Beggs and Lane
P.O. Box 12950
Pensacola, FL 32576

John W. McWhirter, Jr., Esq.
McWhirter, Reeves, et al.
P.O. Box 3350
Tampa, FL 33601-3350

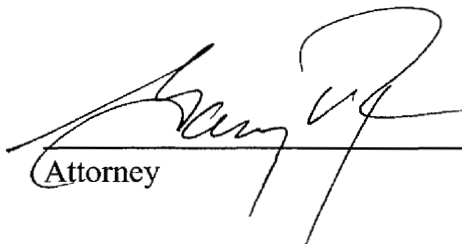
Vicki Gordon Kaufman, Esq.
Joseph A. McGlothlin, Esq.
McWhirter Reeves, et al.
117 South Gadsden Street
Tallahassee, FL 32301

R. Wade Litchfield, Esq.
Florida Power & Light Co.
700 Universe Blvd.
Juno Beach, FL 33408-0420

Florida Power & Light
Bill Walker
215 S. Monroe Street
Suite 810
Tallahassee, FL 32301

Susan Ritenour
One Energy Place
Pensacola, FL 32520-0780

Tampa Electric Company
Angela Llewellyn
Regulatory Affairs
P.O. Box 111
Tampa, FL 33601-0111



Attorney