

ORIGINAL

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Harold McLean
Public Counsel

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Patricia A. Christensen
Associate Public Counsel

November 4, 2004

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
and Administrative Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

RECEIVED-FPSC
04 NOV -4 PM 4: 33
COMMISSION
CLERK

RE: Docket No. 040001-EI

Dear Ms. Bayó:

Enclosed please find an original and fifteen copies of Citizens' Notice of Intent to Use at Hearing Information Claimed to be Confidential for filing in the above-referenced docket.

Please indicate receipt of filing by date-stamping the attached copy of this letter and returning it to this office. Thank you for your assistance in this matter.

Sincerely,

Patricia A. Christensen
Associate Public Counsel

CMP _____
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ECR PAC/dsb
GCL _____
OPC _____
MMS _____
RCA _____
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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
11924 NOV-4 04
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power)
cost recovery clause with)
generating performance incentive)
factor.)
_____)

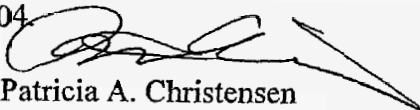
DOCKET NO. 040001-EI
FILED: November 4, 2004

**CITIZENS' NOTICE OF INTENT TO USE AT HEARING
INFORMATION CLAIMED TO BE CONFIDENTIAL**

The Citizens of Florida, by and through Harold McLean, Public Counsel, pursuant to the Hearing Officer's Prehearing Order in this matter, file this Notice of Intent to use at the Hearing in this matter to be held on November 8, 2004, information that Progress Energy Florida claims to be confidential. This notice is being filed four days prior to the hearing because Progress Energy Florida only identified on November 4, 2004, those portions of the document to be used it deems confidential

Citizens will use all procedures as are appropriate in their handling of the information claimed by the Company to be confidential.

Respectfully submitted this 5th day of November, 2004


Patricia A. Christensen
Associate Public Counsel
Fla. Bar No. 0989789

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c/o The Florida Legislature
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Attorney for the Citizens
of the State of Florida

DOCUMENT NUMBER-DATE
11924 NOV-4 8
FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE
DOCKET NO. 040001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by

U.S. Mail on this 4th day of November, 2004, to the following:

William (Cochran) Keating
Jennifer Rodan
Adrienne Vining
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

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Tallahassee, FL 32302

Beggs & Lane Law Firm
Jeffrey Stone/Russell Badders
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Pensacola, FL 32591-2950

Florida Industrial Power Users Group (McWhirter)
c/o John W. McWhirter, Jr.
McWhirter Reeves
400 North Tampa Street, Suite 2450
Tampa, FL 33602

Florida Power & Light Company
Mr. Bill Walker
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1859

Florida Power & Light Company
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Juno Beach, FL 33408-0420

Florida Public Utilities Company
John T. English/George Bachman

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West Palm Beach, FL 33402-3395

Gulf Power Company

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Progress Energy Florida, Inc.

Ms. Bonnie E. Davis
106 East College Avenue, Suite 800
Tallahassee, FL 32301-7740

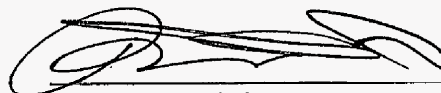
Progress Energy Service Co., LLC
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St. Petersburg, FL 33733-4042

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Tampa Electric Company

Ms. Angela Llewellyn
Regulatory Affairs
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