

Kay Flynn

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From: Costello, Jeanne [JCostello@CarltonFields.com]
Sent: Monday, March 14, 2005 3:21 PM
To: Filings@psc.state.fl.us
Cc: Adrienne Vining; Christensen.patty@leg.state.fl.us
Subject: Docket No. 041414 Filings
Attachments: PEF Second Motion for Temporary Protective Order.pdf; PEF Notice Service responses Staff 3rd Interrogatories.pdf; PEF Notice Service responses OPC 2nd RFP.pdf

Docket No. 041414-EI

Attached for filing on behalf of Progress Energy Florida, Inc. are the following documents:

1. Progress Energy Florida, Inc.'s Second Motion for Temporary Protective Order;
2. Progress Energy Florida, Inc.'s Notice of Service of responses to Office of Public Counsel's Second Request for Production; and
3. Progress Energy Florida, Inc.'s Notice of Service of responses to Staff's Third Request for Production of Documents.

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FPSC-COMMISSION CLERK

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Progress Energy Florida, Inc.'s)
petition for approval of long-term fuel)
supply and transportation contracts for)
Hines Unit 4 and additional system)
supply and transportation.)

Docket No.: 041414-1:1

PROGRESS ENERGY FLORIDA, INC.'S
SECOND MOTION FOR TEMPORARY PROTECTIVE ORDER

Progress Energy Florida, Inc. ("PEF"), by and through undersigned counsel, hereby moves pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code, for entry of a temporary protective order covering confidential documents and information sought in discovery by the Office of Public Counsel ("OPC") and as grounds therefore states as follows:

1. In its Second Request for Production of Documents (No. 2), OPC has requested confidential information and documents that are responsive to Staff's Second Request for Production and Staff's Second Set of Interrogatories, specifically, portions of documents in Bates ranges PEF-SR-000122 through PEF-000204. The confidential information in those documents is sensitive, proprietary business information that has been treated as such by PEF, its parent and affiliates, and is information that PEF keeps confidential. PEF also filed a request for confidential classification regarding the information and documents at issue in conjunction with its original responses to Staff's second set of discovery, and that request is currently pending before the Commission.

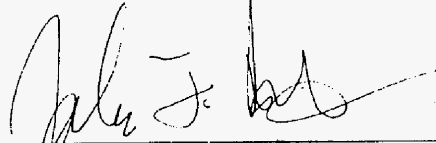
2. Section 366.093(2), Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code, direct that all records produced pursuant to a discovery request for

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. PEF, by this motion, is seeking protection of all confidential documents and information that PEF will produce to OPC in this matter pursuant to OPC's Second Request for Production of Documents as more specifically stated above. PEF has recorded the appropriate objections to providing such confidential, proprietary business information, and will provide documents and information responsive to these requests marked as confidential subject to this motion, the law, Commission rules, and PEF's objections. By following this procedure and producing these documents and information, PEF is not waiving its right to seek further relief as necessary to make certain that its confidential, proprietary, business information is not publicly disclosed.

3. PEF further requests that in connection with the entry of a temporary protective order, the Commission also require Public Counsel to provide PEF with notice of its intent to use such confidential documents and information in connection with the hearing in this matter.

WHEREFORE, PEF requests that the Commission enter an Order granting its Motion for Temporary Protective Order relating to documents and information identified as confidential and produced in response to OPC's Second Request for Production of Documents, instructing Public Counsel to continue to treat them as confidential, and requiring Public Counsel to provide PEF with notice of its intent to use such confidential documents and information in connection with the hearing in accord with the prehearing order governing procedure.

R. ALEXANDER GLENN
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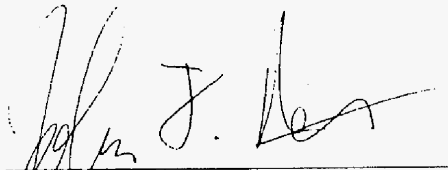
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to the following individuals as indicated in the service list on this 14th day of March, 2005.

Via electronic and U.S. Mail
Adrienne E. Vining, Esquire
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Via Electronic and U.S. Mail
Patricia A. Christensen, Esquire
Office of the Public Counsel
c/o The Florida Legislature
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Tallahassee, FL 32399-1400



Attorney