

Matilda Sanders

From: Costello, Jeanne [JCostello@CarltonFields.com]  
Sent: Tuesday, March 29, 2005 3:45 PM  
To: Filings@psc.state.fl.us  
Cc: Adrienne Vining; Christensen.patty@leg.state.fl.us  
Subject: Docket No. 041414 Filing

Attachments: PEF Notice Service Response OPC 3rd RFP.pdf; PEF 3rd Motion for Protective Order.pdf; PEF Notice Service Responses Staff 3rd interr.pdf



PEF Notice PEF 3rd PEF Notice  
Service Responses for Protective Response

Attached herewith for filing in Docket No. 041414 on behalf of Progress Energy Florida, Inc. are the following documents:

1. Progress Energy Florida, Inc.'s Third Motion for Temporary Protective Order (3 pages);
2. Progress Energy Florida, Inc.'s Notice of Service [responses to Commission Staff's Third Set of Interrogatories] (2 pages); and
3. Progress Energy Florida, Inc.'s Notice of Service [responses to Office of Public Counsel's Third Request for Production of Documents (2 pages)].

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<<PEF Notice Service Response OPC 3rd RFP.pdf>> <<PEF 3rd Motion for Protective Order.pdf>> <<PEF Notice Service Responses Staff 3rd interr.pdf>>

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- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
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*3rd Motion*      *3rd set Interrog.*      *3rd Reg PODs*

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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-EI

PROGRESS ENERGY FLORIDA, INC.'S  
THIRD 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 Third Request for Production of Documents (No. 3), OPC has requested confidential information and documents that are responsive to Staff's Third Request for Production and Staff's Third Set of Interrogatories, specifically, portions of the response to Interrogatory Number 59. Portions of the response to this interrogatory

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contain confidential information regarding contracts between PEF and fuel suppliers. Public disclosure of the information in question would violate confidentiality agreements between PEF and fuel suppliers and would impair PEF's ability to contract for services such as fuel supply on competitive and favorable terms. PEF also filed a request for confidential classification regarding the information and documents at issue in conjunction with its original responses to Staff's third set of discovery, and that request is currently pending before the Commission.

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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 Third 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 information identified as confidential and produced in response to OPC's Third Request for Production of Documents, instructing Public Counsel to continue to treat it as confidential, and requiring Public Counsel to provide PEF with notice of its intent to use such confidential information in connection with the hearing in accord with the prehearing order governing procedure.

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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 \_\_\_\_\_ 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

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Attorney