

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by
Progress Energy Florida, Inc.

Docket No. 050078-EI
Submitted for filing May 23, 2005

PROGRESS ENERGY FLORIDA, INC.'S
FIRST 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 First Set of Interrogatories (Nos. 1-57) and First Request for Production of Documents (Nos. 1-75), OPC has requested confidential information and documents, specifically, portions of the responses to Interrogatory Numbers 3, 15, 21, 28, 41, and 45, and portions of the documents produced in response to Requests 5-8, 10, 15, 16, 21, 33, 34, 36, 37, 42, 43, 47, 48, 56, 63, 64, 68, and 73. Portions of the responses to these interrogatories and requests for production contain confidential contractual information and information that would adversely impact PEF's competitive business interest if disclosed to the public (such as internal business studies, budgets, employee compensation, financial statements, invoices, internal audits, and sensitive contractual terms). Public disclosure of the information in question would disclose competitive

contractual provisions between PEF and service providers, as well as compromise PEF's competitive business interests by disclosing sensitive business information.

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 First Set of Interrogatories and OPC's First 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 First Request for Production of Documents and First

Set of Interrogatories, 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.

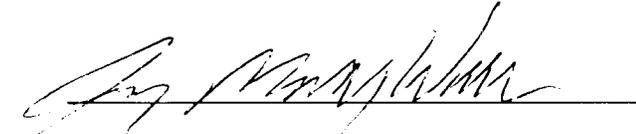
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically and via U.S. Mail this 23rd day of May, 2005 to all counsel of record as indicated below.



Attorney

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