

ORIGINAL

Matilda Sanders

From: Triplett, Dianne [DTriplett@CarltonFields.com]
Sent: Thursday, July 07, 2005 12:39 PM
To: Filings@psc.state.fl.us
Cc: miketwomey@talstar.com; tperry@mac-law.com; jmcwhirter@mac-law.com; Jennifer Brubaker; Mclean.harold@leg.state.fl.us; daniel.frank@sablaw.com; everett.boyd@sablaw.com; james.bushee@sablaw.com; KSTorain@potashcorp.com; richzambo@aol.com; mcglathlin.joseph@leg.state.fl.us; swright@landersandparsons.com; Andrew.soto@sablaw.com
Subject: Docket No. 050078 - Document for filing
Attachments: PEF's 6th Motion for Temporary Protective Order.pdf

Attached for filing on behalf of Progress Energy Florida, Inc. is Progress Energy's Sixth Motion for Temporary Protective Order.

GMP _____
COM _____
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
RCA _____
SCR _____
SEC 1
OTH _____

DOCUMENT NUMBER-DATE

06399 JUL-7 05

FPSC-COMMISSION CLERK

7/7/2005

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 050078-EI
Submitted for filing July 7, 2005

PROGRESS ENERGY FLORIDA, INC.'S
SIXTH 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 supplemental documents sought in discovery by the Office of Public Counsel ("OPC") and as grounds therefore states as follows:

In its First Request for Production (Nos. 1-75) and its Third Request for Production (Nos. 108-124), OPC has requested confidential information, specifically, portions of the documents produced in response to Request Nos. 71 and 110. PEF's supplemental responses to these requests contain confidential studies which concern proprietary business information and were prepared by third parties. Further, PEF has a contractual obligation with these third parties to not disclose the proprietary business information contained in the studies. Disclosure of the confidential studies to the public, to PEF's suppliers, or to PEF's competitors would adversely impact PEF's competitive business interests and impair PEF's efforts to contract for good or services on favorable terms. Specifically, if PEF's suppliers, investors, or competitors were made aware of the

DOCUMENT NUMBER DATE


06399 JUL -7 05

FPSC-COMMISSION CI FRK

confidential studies, they may adjust their behavior in the market place with respect to activity such as pricing and the acquisition and provision of goods, materials, and services.

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 supplemental response to OPC's First Request for Production and OPC's Third Request for Production, 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.

R. ALEXANDER GLENN
Deputy General Counsel – Florida
PROGRESS ENERGY SERVICE
COMPANY, LLC
100 Central Avenue, Ste. 1D
St. Petersburg, FL 33701
Telephone: (727) 820-5587
Facsimile: (727) 820-5519


GARY L. SASSO
Florida Bar No. 622575
JAMES MICHAEL WALLS
Florida Bar No. 0706272
JOHN T. BURNETT
Florida Bar No. 173304
DIANNE M. TRIPLETT
Florida Bar No. 0872431
CARLTON FIELDS, P.A.
Post Office Box 3239
Tampa, FL 33601-3239
Telephone: (813) 223-7000
Facsimile: (813) 229-4133

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 7th day of July, 2005 to all counsel of record as indicated below.



Attorney

Jennifer Brubaker Felicia Banks Jennifer Rodan Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850	John W. McWhirter, Jr. McWhirter, Reeves, Davidson, Kaufman & Arnold, P.A. 400 North Tampa Street, Ste. 2450 Tampa, FL 33601-3350 -and- Timothy J. Perry McWhirter, Reeves, Davidson, Kaufman & Arnold, P.A. 117 South Gadsden Street Tallahassee, FL 32301 Counsel for Florida Industrial Power Users Group
C. Everett Boyd, Jr. Sutherland Asbill & Brennan LLP 2282 Killearn Center Blvd. Tallahassee, FL 32309 -and- James M. Bushee Daniel E. Frank Andrew K. Soto Sutherland Asbill & Brennan LLP 1275 Pennsylvania Avenue, N.W. Washington, DC 20004-2415 -and- Richard A. Zambo Richard A. Zambo, P.A. 2336 S.E. Ocean Blvd., #309 Stuart, FL 34996 -and- Karin S. Torain PCS Administration, (USA), Inc. Suite 400 Skokie Blvd. Northbrook, IL 60062 Counsel for White Springs	Robert Scheffel Wright, John T. LaVia, III, Landers & Parsons, P.A. 310 West College Avenue (ZIP 32301) Post Office Box 271 Tallahassee, Florida 32302 Counsel for Florida Retail Federation
	Harold McLean Office of the Public Counsel c/o The Florida Legislature 111 W. Madison Street, Room 812 Tallahassee, FL 32399-1400
	Mike B. Twomey P.O. Box 5256 Tallahassee, FL 32314-5256